

# STATUTORY PROPOSAL

## Introductory Information

### School Details

This is a proposal to remove Wednesbury Learning Community Trust as the foundation of **Old Park Primary** and alter the Instrument of Government of the school to remove the category of foundation governors. The school making this proposal is Old Park Primary, Old Park Rd, Wednesbury, WS10 9LX which is a foundation school with a foundation established otherwise than under the School Standards and Framework Act 1998.

### Proposed Implementation Date

1<sup>st</sup> July 2019

### Proposed Alteration

Notice is given in accordance with section 4 of The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts)(England) Regulations 2007 that the Governing Body of **Old Park Primary** proposes to remove **Wednesbury Learning Community Trust** as its foundation and alter the Instrument of Government of the school to remove the category of foundation governors.

### Name of the Trust

The name of the trust that the Governors intend to remove from **1<sup>st</sup> July 2019** is the **Wednesbury learning Community Trust**. The Governors also intend to alter the Instrument of Government of the School to remove the category of foundation governors.

### Consultation

In accordance with the requirements of Regulation 7 of The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007 in Governing Body consulted on publishing proposals to remove the school's foundation and alter the Instrument of Government of the School to remove the category of foundation governors.

The consultation documents were distributed to stakeholders between 8<sup>th</sup> January and 8<sup>th</sup> February 2019. These included a letter which set out briefly the implications of the proposed change as well as the reasons why the Governing Body are proposing it.

Learners will be consulted via Student Voice / Student Council, assemblies and a range of other internal school mechanisms.

There were no responses as a result of the consultation.

## **Rationale for removing the Trust and removing the category of foundation governors**

*The Governing Body believes that reverting to foundation status and removing the link with the Trust will be in the best interests of the students at the school and the school community as a whole because:*

- *Old Park will no longer be paying subscriptions to fund the running of the Charitable Trust.*
- *Management time will be saved, as the need for lengthy meetings and an AGM will be removed.*
- *Old Park would no longer be responsible for the finance and administration of the Trust, therefore releasing administration time back to the school.*
- *Many of the functions of the Trust that relate to teacher and pupil collaboration will continue, the responsibility for this will be shared between schools within the Wednesbury learning Community.*

### **Land Transfer**

Currently the land and buildings used by the School is held by **Wednesbury Learning Community Trust** on trust for the School. If, following a careful consideration of all the responses to these proposals, the Governing Body chooses to proceed to remove the foundation, ownership of the land and buildings used by the School will transfer from the foundation to the Governing Body to be held for the purposes of the School.

No payment will fall to be made by the Governing Body to either the Council or the foundation in respect of the transfer of the land and buildings.

After the transfer, the requirements of the School Premises Regulations 1999 will continue to apply and be satisfied.

### **Governing Body**

If **Wednesbury Learning Community Trust** ceases to be the foundation which supports the School, then its eligibility to appoint the foundation governors to the Governing Body of the School also ceases. The Instrument of Government for the School will need to be redrafted to remove references to the foundation governors.

In accordance with The School Governance (Constitution) (England) Regulations 2012, the size of the Governing Body would be 13 constituted as follows:-

- 4 Parent governors
- 1 Local Authority,
- 1 Staff governor
- Headteacher,
- 2 Partnership governors
- 4 Co-opted governors,

The new structure of the Governing Body would be reflected in a new Instrument of Government made by the local authority and coming into force on **1<sup>st</sup> July 2019**.

## **Objections or comments**

Within six weeks from the date of publication of these proposals - **by midnight on 24th June 2019** - any person may object to or make comments on the proposal by writing to the school at the address above or by e-mail to [school.office@oldparkprimary.com](mailto:school.office@oldparkprimary.com)

## **Decision as to Implementation**

After carefully considering all responses to these proposals, the Governing Body will decide whether it wishes to remove the foundation and alter the Instrument of Government of the school to remove the category of foundation governors.

**Tracey Wallace**  
Chair of Governors

Dated 13<sup>th</sup> May 2019

**DRAFT INSTRUMENT OF GOVERNMENT**

**Instrument of Government**

1. The name of the school is Old Park Primary
2. The school is a foundation school with a foundation established otherwise than under the School Standards and Framework Act 1998.
3. The name of the Governing Body is “The Governing Body of Old Park Primary”.
4. The governing body shall consist of:
  - a) Four parent governors
  - b) One local authority governor
  - c) One staff governor
  - d) The Headteacher\*
  - e) Four co-opted governors
  - f) Two partnership governors
5. Total number of governors is 13 \*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 12.
6. This instrument of government comes into effect on 1<sup>st</sup> July 2019
7. This Instrument was made by order of Sandwell  
on .....2019.

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.