

DRAFT MERGER/AMALGAMATION/FEDERATION GUIDANCE FOR DISCUSSION WITH HEADTEACHERS AND WORKFORCE UNIONS AND STAFF ASSOCIATIONS

It should be noted that this merger/amalgamation/federation guidance would affect a limited number of schools in Brighton & Hove. The guidance has been discussed with a working group of headteachers who have either being through a merger/amalgamation, or know that their school could be part of a future proposal. The guidance is offered as a protocol for the development of any future all through primary schools, or the federating of schools.

There have to be sound reasons for creating all through primary schools and for federating schools and the intention of this guidance is:

- to recognise the sensitive and difficult nature of managing such a significant change; and
- to ensure that there is a clearly laid out process to be followed.

The protocol is in two parts. The first part is intended to aid understanding of merger/amalgamation/federation and the second to outline the protocol to be followed.

PART 1: DEVELOPING UNDERSTANDING

Terminology

The creation of an all through primary school from existing infant and junior schools is achieved by closing each school and opening a new school. In the past in Brighton and Hove a local distinction has been drawn between amalgamation and merger. Under this local distinction an **amalgamation** is when two schools both close to form one new school, with one headteacher and one governing body. This was the case for Carden, Moulsecoomb and Whitehawk primary schools. A **merger** takes place when two schools join. This is typically when two schools are on the same site and the headteacher of one school leaves. The headteacher of the remaining school then becomes headteacher of the whole school. The age range of the school is changed to accommodate the new school. This was the case for Goldstone and Coldean primary schools. There is no technical difference between amalgamation and merger and we propose to cease to use these two terms and instead refer to the creation of an all through primary school.

There is also a relatively new term '**federation**'. This means that a group of school federate by virtue of section 24 of the 2002 Education Act, and the regulations state that up to five schools may federate under their procedure. Groups of more than five schools who wish to federate are subject to additional application to the Secretary of State under the 2002 Act.

Federation has tended to be used widely to describe many different types of collaborative groups, partnerships and clusters both formal and informal. It can also include a successful school federating with a less successful school. The federation can be 'hard' and include the use of formal contracts or 'soft' and be an extension of partnership and collaborative working. Federation could mean that the schools share a headteacher and/or teachers and resources. Depending on the geography and feasibility the pupils may stay on two separate sites or there may be movement of pupils between the two sites. Federation in terms of governance could result in a governing body providing advice and assistance to another governing body. It could also result in a single federated governing body for all schools in the federation. There are draft regulations (2003) and guidance on governance for federation and collaboration.

Basis for creating an all through primary school, or federating schools

The main reason for creating an all through primary school and/or federation must be to provide a better school. The triggers for consideration include:

- **The size of the school**

If a school is too small it makes viability, delivery and access to the curriculum difficult. If the merger/amalgamation of two or more schools would make the new school too big that is also a consideration. In the case of a primary school, if the all through primary school would create pupil numbers over 600 then it is unlikely to go ahead.

- **A headteacher leaving**

In the case of separate infant and junior schools serving the same area, if one headteacher leaves then the school is automatically considered as a possible all through primary school.

- **Wider plans for School Organisation including the use of school accommodation for community services**

Any proposal must take account of the wider planning implications for local schools, including any plans for wider community use of the school site. The creation of an all through primary school is a formal process subject to approval by the School Organisation Committee, if an appeal is lodged the decision can be referred to the DfES. This process can prolong what is already a difficult change and result in a temporary 'blight' on the schools when parents/guardians select schools. It is therefore important that clear timescales are provided to try to avoid a 'blight' on the schools. Federation can also be a formal process involving written agreements and joint governance arrangements.

- **Poor results/transition issues**

Where school results are below targets or there are issues around transition between key stages schools could be considered for federation. Federation is part of the government policy to raise standards and is a fairly new possibility. Exactly how a federation works and the governance arrangements are still being worked

through. In principle federation could enable a weaker school to be linked under a single management structure with a more successful school. This could be under one headteacher and one governing body. It could enable a junior school and feeder infant school to federate for a specific purpose to improve transition between Key Stages 1 and 2.

PART 2: PROTOCOL

In September 1999 three primary schools (Carden, Moulsecomb, Whitehawk) were created in Brighton & Hove from the amalgamation of separate infant and junior schools. There was a Scrutiny Panel and report and the protocols are based on the recommendations of that Report made in 2000.

Communication

1. Discussion of the future by LEA officers following notification of a headteacher leaving and/or a serious decline in schools numbers and/or a pattern of poor results.
2. Informal discussion with the Director, Assistant Director, Chair and Deputy Chair of Children, Families and Schools (CFS) Sub Committee and Opposition Spokesperson.
3. Preparation of a report to CFS Sub Committee indicating a all through primary school and/or federation is being considered; inform and discuss with the headteacher and governors before CFS Sub Committee and the proposal becoming public knowledge.
4. Discussions to be held with the workforce unions.
5. Headteachers of the schools affected to be provided with support from the press office and assistance on dealing with the media.
6. Briefing sessions to be provided for staff affected by the proposal. Separate sessions must be held for (a) information and reassurance; and (b) consultation. Staff must be absolutely clear when they are attending to hear about the steps in the process (information and reassurance) and where they are attending to have their views listened to and taken into account (consultation). Both these whole staff sessions to be held at each school separately at the beginning of the process. Smaller group meetings can then be arranged for staff from each school throughout the process.
7. Clear schedule and timescale prepared which is distributed to staff at the beginning of the process. The schedule will include the dates of meetings and the minimum time which will be allowed between proposals and decision. The schedule should be agreed with workforce union representatives. The names of key LEA officers to whom queries can be directed will be included.
8. A single named CFS Officer will be appointed as the main point of contact.
9. Public consultation and information sessions to be provided for parents and the local community supported by the press office.

Personnel including staffing

1. A Staffing Protocol on the Amalgamation of Schools – staffing implications/process for appointments (November 1998) is in place and was updated in December 2000. It is suggested that this protocol be followed and that governing bodies adopt it. The protocol enables permanent staff (deputy headteacher, teachers and support staff, full time and part time) to be assimilated into posts in the new structure. If there are two staff for one post then a competitive interview process is followed. If any member of staff is re-deployed to a post at a lower salary level, any protection of salary will be in accordance with their national/local terms and conditions of employment. The exception to this would be the headteacher who would be eligible to apply for the post of headteacher of the all through primary school, but would not automatically be the new headteacher and there may be a redundancy situation.
2. Counselling services would be made available to staff and this is part of the agreed protocol. In addition a named LEA officer from Human Resources would be available for confidential discussion/questions of options with staff on a one to one basis, for example with regard to how retirement and voluntary redundancy might these apply. Particularly vulnerable staff such as those in tied accommodation should be provided with additional support.
3. All headships will be externally advertised and the existing headteachers (if they are not applicants) should be advised of the recruitment process and in particular when prospective candidates will be visiting the school. If the headteacher is an unsuccessful applicant for the new headship post or they have not applied, additional support will be provided with future job applications.
4. Any staff who are to be presented with their redundancy or retirement payments are required to attend in person to sign to confirm they have received the cheque. This cannot be before their last day of contracted service.
5. Public recognition and thanks for long serving members of staff should be made for their services.

Governors

1. Federation and collaboration are the subject of draft regulations (2003), these provide helpful information and when/if enacted should be followed.
2. If the all through primary school proposal is agreed a shadow governing body would be appointed for the new school. Ideally the shadow governing body should include membership of the outgoing governing bodies to ensure continuity.
3. There should be regular meetings between the governing bodies (existing and shadow) to ensure that there is adequate communication and a clear understanding of roles. A written protocol clarifying the respective roles of the local authority, the shadow and existing governing body and the headteacher setting out who is responsible for what in the process should be agreed.
4. The staffing protocol agreed by the existing governing body should be 'owned' by the shadow governing body.
5. Guidance and support to be arranged for governors involved in sensitive issues.

6. The above points 1-4 will also apply to a federation if there is going to be a single governing body.

Forward planning

1. The appointment of a new headteacher should be made as soon as possible and ideally two term in advance of the commencement of the 'new' school but this would be subject to budgetary consideration.
2. Funding for building works and completion of the building works should be substantially completed prior to the merger/amalgamation/federation.
3. The equipping of the new school and moving of furniture should be carefully planned in advance.