

## DETERMINATION

**Case reference: STP/000338**

**Proposal: To change status from a community to Foundation School and to create a Trust.**

**Proposer: Andrew Marvell College**

**Objector: Hull Local Authority**

**Date of decision: 20 August 2008**

### **Determination**

**Under the powers conferred on me in sections 21 and 23 of the Education and Inspections Act 2006 and the Regulations thereunder (the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007), I hereby approve the proposal with the modification that the date of implementation should be changed from 7 September 2008 to 1 April 2009. My approval is conditional upon my agreement to the names of the Members and first Directors of the Trust.**

### **The Referral**

1. On 4 July 2008, Hull Local Authority (“the local authority”) wrote to the Office of the Schools Adjudicator objecting to the proposal by the Governors of Andrew Marvell College (“the college”) to acquire a Foundation Trust.

### **Jurisdiction**

2. On 9 June 2008, having carried out the appropriate consultation, Andrew Marvell College issued a statutory notice in accordance with section 19(3) of the Education and Inspections Act 2006 to make a prescribed alteration to acquire a Foundation Trust. The notice was in the form required by the Act. I have concluded that I have jurisdiction to determine this matter.

### **Context**

3. Andrew Marvell Business and Enterprise College is a large secondary school for 11-16 year olds in Kingston upon Hull. It serves a less than affluent area and has a higher than average proportion of pupils with learning difficulties. Attendance has been a problem but has been tackled in some imaginative ways. In March last year OFSTED rated it as satisfactory overall with several good features and went on to say that it was rapidly improving. The senior management of the college are searching for ways of injecting a new impetus and bring standards up to a higher level. They see the

establishment of a Trust as a way to strengthen the links between the college and other educational establishments in Hull and elsewhere. They are working closely with the Co-operative movement and with other schools supported by them.

4. Hull Local Authority has plans for a substantial injection of capital for schools in the City. They propose a reduction in the number of secondary schools and the establishment of three new academies. The Authority supports the establishment of a Trust for Andrew Marvell as an integral part of their overall strategy for schools in the city.

### **Procedures**

5. I have considered all the papers put before me including the following:

- Prescribed information from the proposer as set out in the relevant School Organisation Regulations;
- The letter of objection from the local authority;
- The proposer's response to the objections and comments received;
- The OFSTED report on the college dated March 2007;

6. I held a meeting at the college on 27 July 2008 at which representatives of the college and the local authority presented the proposal and objection. I have considered information and the representations put to me at that meeting.

### **The Proposal**

7. The proposal would lead to the creation of a Trust, which would act as a foundation for the college. The Trust would own the land and the buildings, nominate governors, have powers to raise funds and borrow money, make loans and grants and provide advice.

8. The college says that the potential benefits of this proposal lie on the links with other schools and organisations. The links will:

- Raise aspirations of teachers and students
- Enhance relationships with the local community
- Provide more learning opportunities for parents
- Improve teaching and learning methods

### **The Objection**

9. The local authority supports the principle of changing from a community school to a Foundation School with a Trust. However, it considers that the college failed properly to consult the families of the pupils of the college or those of the primary feeder schools. The local authority recognises that the

college consulted the feeder schools but has seen no evidence that it consulted the families of pupils from those schools. It is particularly concerned that the college had only one public meeting and that only one parent attended it.

## **Consideration**

10. I have had regard to the criteria set out in the statutory guidance. The guidance says that criteria for approval should be:

- That the Trust meets legal requirements. I have examined the papers submitted to me. I have been assured that the college has taken advice from officials at the DCSF and from the legal advisors to the main sponsor. I have seen papers setting out the information that will be incorporated in the Memorandum and Articles of association for the Trust and am satisfied that the legal requirements have been met.
- That consultation was adequate. This is the basis for the objection and the school representatives at my meeting set out in detail how the college had conducted the consultation exercise. Two and a half thousand copies of the consultation document had been distributed, including to all parents of the college and the main feeder primary schools. There had been numerous consultation meetings with staff and the opportunity for all staff to meet separately with the Chair and Vice Chair of Governors. The college had been extremely disappointed that more people had not come to the public meeting but low attendance at public meetings was the norm in the area. The local authority representatives at the meeting were reassured by this explanation. I am satisfied that the college has met the requirements to consult.
- That the Trust is likely to contribute to raising standards at the school. It was clear from my meeting that the senior management and governors of the college believe the proposal will bring the prospect of improved standards. The college has consulted all the proposed partners and have been visited by another school that is already a foundation school with a Trust. They are convinced that there will be more opportunities for staff and students to improve teaching and learning and engage in more community education. I have concluded that, given the enthusiasm from senior management and governors, it is likely that implementation of the proposal would stimulate staff and students to achieve higher standards of teaching and learning.
- That the Trust is likely to promote community cohesion. The main partner for the College on the Trust will be the Co-operative movement, which has its roots in community work. There has been a strong emphasis throughout the consultations on the value of education in the community. I am confident that this emphasis will remain in place if the proposal is implemented.
- That Trust members and proposed Trustees are not involved in activities that may be regarded as inappropriate for children and young

people. That the reputation of Trust members and trustees is in keeping with the charitable objects of a Trust. That trust members and trustees are not involved in activities which could bring the school into disrepute. The proposed Trust Members include the College itself, the feeder primary schools, Hull Primary Care Trust, Wilberforce College, Hull University, Hull College, East Hull Community Farm, Sure Start, the Co-operative Group and Co-operative College. There have already been discussions with these partners and all have agreed to appoint Members of the Trust. The College has not yet, however, been able to finalise a list of names for the Members and Directors of the Trust. I am confident that, given the nature of the partners, the members appointed will well qualified but I have concluded that I should make any approval of the proposal conditional on seeing the list of names and being fully satisfied that they meet the requirements.

## **Conclusion**

11. I have considered the case and the representations made to me, and have taken careful account of the guidance on these matters given by the Secretary of State. I have taken into account the requirements of the Human Rights Act 1998, the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

12. I have concluded that the proposal should be approved. However, I was told during my meeting that some financial problems for the college have emerged recently. The college has worked closely with the local authority, which is now satisfied that a secure recovery plan is now in place. The financial position should be fully secure by the end of the year but the governors of the college decided at their meeting on 9 July that they would prefer the change of status and the formation of the Trust to be deferred until April 2009. I have decided to modify the proposal to accord with that decision.

## **Determination**

**Under the powers conferred on me in sections 21 and 23 of the Education and Inspections Act 2006 and the Regulations thereunder (the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007), I hereby approve the proposal with the modification that the date of implementation should be changed from 7 September 2008 to 1 April 2009. My approval is conditional upon my agreement to the names of the Members and first Directors of the Trust.**

Signed:

Schools Adjudicator: Sir Philip Hunter

Dated: 20 August 2008