



Andrea Barnes
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4th December 2009

cc Chair of Governors

Dear Andrea

RE: PROPOSED ESTABLISHMENT OF A TRUST SCHOOL

We are aware that staff members were called to a meeting on October 12th to be briefed on a potential application by Wetherby High School for trust status. We are also aware that public meetings were held to discuss this matter on 16th and 23rd of November. On contacting our members it appears that no paperwork has been provided to them or to school representatives. It appears that our members and reps are aware of a proposal but have received little or no detailed information which would allow them to make an informed contribution to any consultation or to develop questions which would help address any concerns they might have. As trade unions representing these employees and those in other schools in the area which may be affected we have received no information of any kind about any proposal for a trust in the area.

We are writing to seek clarity on these issues and to ensure that the statutory consultation process is followed in relation to any proposal.

We are sure that you will be aware of the statutory process and the statutory guidance but for the avoidance of any doubt the requirements to consult staff and trade unions (from 'Trust School Proposals. A Guide for Governing Bodies and Local Authorities' paragraph 39') are included below:

'Before publishing its proposals' (our emphasis), the governing body must consult a range of local stakeholders, including, but not necessarily limited to, those specified in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (SI 2007/1289) (as amended):

- a) any local authority likely to be affected by the proposals, in particular neighbouring local education authorities where there may be significant cross-border movement of pupils;
- b) families of pupils at the school;
- bb) teachers, and other staff at the school;

- c) the governing body, teachers and other staff of any other school that may be affected by the proposals;
 - d) families of pupils at any other school that may be affected by the proposals including where appropriate families of pupils at feeder primary schools;
 - e) any trade unions who represent staff at the school and representatives of any trade union of any other staff at schools that may be affected by the proposals;
 - f) if proposals involve, or are likely to affect a school which has a religious character—
 - i. the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the area of the local authority;
 - ii. the bishop of a diocese of the Roman Catholic Church any part of which is comprised in the area of the local authority; or
 - iii. the relevant faith group in relation to the school
- as appropriate;’

The same guide goes on to outline how consultation should be conducted (paragraph 42):

How consultation is carried out is not prescribed in regulations and it is for the governing body to determine the nature of the consultation including, for example, whether to hold public meetings. Proposers should avoid consulting on proposals during school holidays. However, the governing body should consult all interested parties, allow adequate time, and provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted, and should make clear how their views can be made known. Those bringing forward proposals should be able to demonstrate how they have taken into account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals. Where, in the course of consultation, a new option emerges which the proposers wish to consider, it will probably be appropriate to consult afresh on this option before proceeding to publish proposals.

These requirements are confirmed and amplified in the Trust Schools Toolkit produced by the DCSF. We hope you can confirm that any proposal for a change of school status in the area will be the subject of a consultation process which complies with the above and provide us with a consultation timetable and details of any proposals when appropriate

Yours

Patrick Murphy
Leeds NUT

Richard Martin
Leeds ATL

Steve Thompson
Leeds NASUWT

Dave McLean
GMB

Brenda Russell
Unison