



Kirklees Directorate for Children & Adults

DFE 4800

THE GOVERNING BODY OF ST. JOHN FISHER CATHOLIC HIGH SCHOOL.

Minutes of a meeting of the Governing Body held at 7.00 pm at the school on Thursday 5 June 2014

PRESENT: Rev. Dr. J.D. Cortis (Chair), Mr. K. Higgins, Rev. Canon J.S. Aveyard, Mrs. B. Blackham, Mr. P. Booth, Mr. M. Collins, Mr. N. Dalzell, Mr. T. Hinchcliffe, Mr. A. Oldroyd, Mr. A. Quinn, Mrs. F. Wilson and Mrs. H. Zaman

In Attendance: Dr. P.K. Brooke (Minute Clerk), Ms V. Hair (Browne-Jacobson)

1. WELCOME AND OPENING PRAYER

13/149 RESOLVED: that due notice of the meeting had been given and that a quorum was present.

The Chair declared the meeting open and asked Canon Aveyard to lead with a prayer.

2. APOLOGIES FOR ABSENCE, CONSENT AND DECLARATIONS OF INTEREST

Apologies were received from Ms C. Anchor and Fr. P. Mungovin (both with consent)

13/150 RESOLVED: that there were no declarations of interest

3. OPENING REMARKS

The Chair began the meeting by noting that 2 documents from Kirklees Legal Services, namely the Commercial Transfer Agreement and the Lease Agreement had not been made available for the meeting. This means that it is unlikely that conversion to an Academy would be possible by 1 July. It was agreed that authority should be given to the Working Group to agree these documents with the Council and that conversion should be postponed until at least the 1 August 2014.

It was noted that the other two schools had no issues to be sorted but that they would need delay conversion also. This would allow them to check their EFA financial statements more carefully.

4. NOTIFICATION OF ITEMS TO BE BROUGHT UP UNDER ANY OTHER BUSINESS

It was agreed to discuss the Deed of Novation of Management Agreement relating to sports facilities at the school and to receive a document on Blessed Peter Snow

5. NOTES FROM THE PROPOSED MULTI ACADEMY TRUST 3 MEETING HELD ON 13 MAY 2014

13/151 RESOLVED: to receive the notes from the meeting of the proposed Multi-Academy Trust 3 meeting held on the 13th. May 2014.

6. MATTERS ARISING FROM THESE NOTES

a) Bank Account – this would be with Lloyds Bank

- b) PS Financial – the process has now started with staff training sessions. It will be live by the end of August 2014
- c) Pensions – a summary document was circulated. It was noted that £24,091 had been removed from the school by the LA in April and that the current pension deficit was Nil. The two Calderdale schools have a combined deficit of £50,000. This would mean a slightly higher employer contribution for St John Fisher's would be needed – 15.5% plus 0.2% to cover the deficit. This would need to be approximately 0.5% if St John Fisher had not been top sliced previously and therefore it was felt that the £24091 cost should be spread between the schools.
- d) Traded Services for financial year 2014–15 – it was agreed to retain as many as possible of the existing services for the first year following conversion.
- e) Insurance Cover - a quote is still awaited
- f) Auditors- three companies have been seen and a recommendation for the Trust Board prepared
- g) Financial Management and Organisational Support – a proposal will be determined by the Trust Board
- 7. MINUTES FROM THE GOVERNORS'ACADEMIES WORKING GROUP MEETING HELD ON 29 APRIL 2014

13/152 RESOLVED: that the minutes of the meeting held on Tuesday 29th April 2014 be approved and signed by the Chair as a correct record

8. MATTERS ARISING FROM THESE MINUTES

a) TUPE arrangements were all in place and letters had been issued (via Kirklees HR) to all staff relating to details of their employment. Open meetings took place on Monday 19 May with opportunities for one to one meetings with union representatives/HR/Head teacher as required.

b) Microsoft Academy – The permission of the Secretary of State would be needed for offering specific examinations not on list

9. CONVERSION TO ACADEMY - TO NOTE AND APPROVE CHANGES TO KEY DOCUMENTS

Chair reported that these were circulated to all Governors but considered by the Working Group who approved them subject to some minor changes on the 29th. April 2014. Documents were submitted to the Department for Education by the due date of May 1st 2014. The following documents (particularly the changes) were noted:

- Articles Proposal from the Diocesan Council for Education not to have Parent Director at Trust Board level if each academy council has at least 2 parent governors. Another proposal is that there will be 1 staff director at Trust Board Level. Ms Hair explained this in more detail and governors were content.
- Funding Agreement There is an additional clause (15) stating that there will be some form of local governance in each Academy Council and at least 2 parent governors on such councils. Document refers to 'advisory bodies' which will equate to 'academy councils'.
- Commercial Transfer Agreement Comments have been received from Calderdale Council concerning the other two schools but this is still awaiting action from Kirklees Council for St. John Fisher School. It was agreed to give authority to Working Group to deal with minor issues.

Hence it will not be possible to convert at the original date of 1st. July but 1 August 2014 at the earliest.

- Lease Still awaiting information from Kirklees Council. It was agreed to give authority to Working Group to deal with minor issues. Hence it will not be possible to convert at the original date of 1st. July but 1 August 2014 at the earliest.
- Supplemental Agreement There are no changes to this
- Scheme of Delegation There are no changes to this
- Memorandum of Understanding There are no changes to this

13/153 RESOLVED: that St John Fisher Catholic High School (the '**School**') intended to convert to an academy ('**Academy**') under the Academies Act 2010 (the '**Conversion**'), the target date for conversion being 1st. August 2014.

13/154 RESOLVED: that a company limited by guarantee, Blessed Peter Snow (the "**Multi Academy Trust**") had been incorporated and would be responsible for running the Academy after the Conversion.

13/155 RESOLVED: that it would be necessary for the Multi Academy Trust to enter into two funding agreements with the Secretary of State relating to the running of the School as an Academy, the master and supplemental funding agreements (the "**Funding Agreements**"), the proposed versions of which was produced to the meeting.

13/156 RESOLVED: that the articles and memorandum of association of the Multi Academy Trust were also produced to the meeting (the "**Memorandum and Articles**").

13/157 RESOLVED: that on Conversion the Multi Academy Trust would be granted a 125 year lease of the site of the School by the Local Authority (the "**Lease**"), the proposed draft version of which was produced to the meeting. This is still not finalised and Governors gave the Working Party authority to negotiate minor changes

13/158 RESOLVED: that the Multi Academy Trust would enter into a supplemental agreement with the Diocese of Leeds in respect of the property occupied by the School to the Multi Academy Trust (the "**Supplemental Agreement**") the proposed version of which was produced to the meeting.

13/159 RESOLVED: that in order to effect the Conversion, it was necessary for the Governing Body of the School and/or Local Authority ("LA") to transfer the School's assets, contracts and employees to the Multi Academy Trust and that all contracts and assets used in the running of the School be transferred to the Multi Academy Trust (in return for the Multi Academy Trust

agreeing to assume various liabilities and obligations) under a commercial transfer agreement to the Multi Academy Trust (the “**Commercial Transfer Agreement**”), the proposed draft version of which was produced to the meeting. This is still not finalised and Governors gave the Working Party authority to negotiate minor changes.

13/160 RESOLVED: that the Multi Academy Trust would enter into a scheme of delegation with the Academy (and all the other academies in the cluster of schools) to document the delegation of power to run the School on a day to day basis from the Multi Academy Trust to the School (the “**Scheme of Delegation**”), the proposed version of which was produced to the meeting.

13/161 RESOLVED: that a memorandum of understanding (“**Memorandum of Understanding**”) would be entered into between the Leeds Diocese Trustees, the Multi Academy Trust and each Academy in the cluster of schools, which provides a framework for education to be in accordance with the teachings, doctrines, discipline and norms of the Catholic Church and with any guidelines and policies of the Leeds Diocese, the proposed version of which was produced to the meeting.

10. RESULTS ON CONSULTATION EXERCISE ON PROPOSAL TO CONVERT TO ACADEMY STATUS

The school had circulated a paper with the outcome of the formal consultation with stakeholders.

13/162 RESOLVED: that as part of the Consultation process the Governing Body of St John Fisher Catholic High School has issued letters to parents at the school, staff at the school, the Local Authority, local clergy and parishioners, Catholic Diocese of Leeds, elected representatives (Members of Parliament and Local Government), neighbouring schools and admission authorities, trade unions and professional associations.

Chair reported that five (n 5) written responses were received (2 local councillors, 2 headteachers and 1 from Kirklees HR). Questions raised at the meetings were responded to and placed on a designated website: <http://dioceseofleedscmat3.org/>

Themes raised were broadly supportive with the desire of the Local Authority to continue working with different providers of education.

The school responded to questions on admission arrangements that currently there was no intention of changing the school’s admission arrangements including the Planned Admissions Number (PAN).

Outcomes of the consultation were discussed by Governors at the following meetings: 20th. May, 18th. June 2013 and 29th. April 2014.

11 IMPACT ASSESSMENTS

Equality

13/163 RESOLVED: the Governing Body acknowledged their legal obligation to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it - this includes having due regard to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of those who do not share it and to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (c) foster good relations between people who share a relevant protected characteristic and persons who do not share it - this includes having due regard to the need to tackle prejudice.
- (d) promote understanding with regard to the relevant protected characteristics of age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

13/164 RESOLVED: that the Governing Body considered the likely impact of the proposed academy conversion on equality issues in general, and the matters which they were required to have due regard to, in particular, and concluded that the proposed academy conversion was unlikely to have any equality impacts.

13/165 RESOLVED: that the School's current policies relating to equality issues that is: the Equality Policy, the Anti-Bullying Policy, the Cohesion Policy, the Recruitment Staff Policy, the SEN and Disability Policy, the Whistle Blowing Policy and the Staff Wellbeing and Work Life Balance Policy, should be adopted by the new Multi Academy Trust and that work to harmonise policies will continue after conversion.

Special Needs

13/166 RESOLVED: that the Governing Body noted that academies are bound by the same SEN obligations as a maintained LA school. If an academy is named in a pupil's SEN statement, then the academy must admit the child. The LA will be obliged to fund the pupil as it would if

they attended a LA maintained school. The annexes to the Funding Agreements set out the position on SEN in full.

13/167 RESOLVED: that in the light of the SEN position, the Governing Body considered whether the proposed conversion to academy status would have any impact on the provision of SEN at the School, and concluded that it would not.

Admissions

13/168 RESOLVED: that the Governing Body noted that the Multi Academy Trust will be its own admissions authority, and as such will set its own admission arrangements including its PAN and will need to run its own admissions appeal panels. It will be bound by the Admissions Code and the Admissions Appeals Code.

13/169 RESOLVED: the Governing Body already acts as its own admissions authority. Accordingly, the position will be no different as an Academy and there will therefore be no impact as a result of Conversion.

Exclusions

13/170 RESOLVED: that the Governing Body noted that the position in relation to exclusions was no different as between a LA maintained school and an academy. Accordingly, the Governing Body concluded that the proposed conversion to Academy status would have no impact in this regard.

12. FINANCIAL POSITION: FINANCIAL CONSEQUENCES OF PROPOSED CONVERSION

Governors referred to circulated papers which cover a letter dated 13 May 2014 from the Education Funding Agency and the general Annual Grant (covering 1 July to 31 August 2014).

It was noted that the Governors' Finance and Premises Committee has considered in detail the financial implications of Conversion at its meeting on 19 May 2014 and it was agreed that the school was unlikely to be any worse off but could possibly be slightly better off. A further paper was tabled at the meeting and considered.

13/171 RESOLVED: having regard to the financial information which had been provided, the Governing Body concluded that Conversion to academy status would be in the best interests of the pupils who attended the School.

13. FORMAL PROPOSAL TO CONVERT TO ACADEMY STATUS

13/172 RESOLVED: that having considered:-

- the outcome of the Consultation Exercise;

- the impact of the Conversion on equality, special needs, admissions and exclusions policies; and the financial implications of the Conversion it was in the best interests of the School to convert to academy status in accordance with the Academies Act 2010.
- the terms of the Memorandum and Articles, Funding Agreements, the draft Commercial Transfer Agreement, the draft Lease, Supplemental Agreement, Scheme of Delegation and Memorandum of Understanding (the **Conversion Documents**)

that it was in the best interests of the School to approve and any Governor in the Working Group was authorised (where relevant) to execute the Conversion Documents on behalf of the Governing Body and the Working Group was authorised to approve any further minor amendments deemed necessary on behalf of the Governing Body.

14. ANY OTHER URGENT BUSINESS

- i) Deed of Novation of Management Agreement Relating to Sports Facilities at St John Fisher Catholic High School

13/173 RESOLVED: for the Chair and the Headteacher to sign the said agreement.

13/174 RESOLVED: to forward the said document for signing by two directors from the Blessed Peter Snow Catholic Academy Trust.

- ii) Blessed Peter Snow

13/175 RESOLVED: to receive a paper about the life of Blessed Peter Snow

15. CONCLUSION

The Chair thanked the Head Teacher and the Bursar for all the effort and hard work carried out to bring the conversion to the current stage

16. DATES FOR NEXT MEETINGS

13/176 RESOLVED: to hold a meeting of the Full Governing Body on Tuesday 10th. June at 6.00 pm.

17. AGENDA, MINUTES and RELATED PAPERS – SCHOOL COPY

13/178 RESOLVED: that no part of these minutes, agenda or related papers be excluded from the copy to be made available at the school, in accordance with the Freedom of Information Act.

Following the meeting, all three schools' Governing Bodies met together in the hall and the Heads and Chairs all confirmed that all three schools would aim to sort out the outstanding issues for a conversion on 1 August 2014.