

## **Lodge Farm School**

### **Governing Body of the Lodge Farm School**

## **Proposal for change of status to a foundation school**

### **School Details**

The name, address and category for the school for which the proposals are being published:

Lodge Farm Primary School, Mobbsbury Way, Stevenage, Hertfordshire, SG2 0HR (a community school).

### **Dates**

The proposed implementation date is: 1 September 2024

### **Statement of Prescribed Alteration**

The proposal comprises a change of category from community to foundation school which is a prescribed alteration under regulation 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The school will not have a foundation.

### **The Rationale for the Proposals**

As a foundation school the Governing Body will become the employer of the staff, the owner of the land and buildings and the admissions authority for the school. The governors consider that the increased independence that these things bring will assist the school in its continued improvement of teaching and learning.

### **Impact of change of status on Standards**

Greater autonomy and independence will give the governing body greater freedom to shape the strategic future direction of the school.

The governing body of a foundation school is an exempt charity. This status may afford opportunities to seek funding from a wider variety of sources.

### **Responding to the Proposals**

A statutory notice, setting out the proposal was published on 23 May 2024 from that date until 20 June 2024 any person may make representations or comments on the proposal by writing to:

Mrs D Nash/Mrs E Hone Co-Chair of Governors  
Lodge Farm Primary School,  
Mobbsbury Way,  
Stevenage,  
Hertfordshire,  
SG2 0HR  
Or by email to: [foundation@lodgefarm.herts.sch.uk](mailto:foundation@lodgefarm.herts.sch.uk)

Annex A

### **Frequently Asked Questions**

<p><b>What is a Foundation school?</b></p>	<p>A Foundation School is a Local Authority (LA) maintained school. All Foundation schools operate within the same frameworks as other maintained schools: they teach the National Curriculum, follow the School Admissions' Code and are subject to OFSTED inspections. Teaching staff are employed under the terms of the School Teachers' Pay &amp; Conditions document. The LA will fund the school on the same basis as all other LA schools and retain its intervention powers if problems arise. The Governing Board has greater freedom in the running of the school. Foundation schools were set up under the School Standards &amp; Framework Act 1998 to replace grant-maintained schools.</p> <p>The reason behind having a Foundation School gives parents, school administrators and stakeholders a greater say in what happens within the school gates and creates a level of independence from the LA.</p>
<p><b>Does the school have to become a Foundation school?</b></p>	<p>No – this is a voluntary decision for the current Governing Board, which will be decided after a suitable consultation process with parents and key stakeholders. This takes place once formal proposals are published.</p>
<p><b>What changes if our school becomes a Foundation school?</b></p>	<p>The school will take on 3 new areas of responsibility;</p> <ul style="list-style-type: none"> <li>- The Governing Board will be the employer of staff rather than the LA</li> <li>- The Governing Board will be responsible for setting arrangements for admissions (in accordance with the Law and Admissions' code)</li> <li>- The Governing Board would have day to day control of the school's land and assets.</li> </ul>
<p><b>How will the school be funded?</b></p>	<p>Foundation schools are funded on the same basis as other maintained schools – according to the LA's funding formula. They will be allocated their own capital money on the same basis as other schools.</p>
<p><b>Who owns the land assets for Foundation schools?</b></p>	<p>Foundation schools own their own land and assets. There is a transfer of ownership from the LA to the School Governing Board. The Secretary of State has the power to issue a direction in the event of any dispute in respect of such a transfer.</p>

<b>Who controls the use of the premises of Foundation Schools?</b>	The Governing Board controls the use of premises during and outside of school hours. Governing Boards are, however, required to have regard to the desirability of the school premises being used for community use outside of school hours.
<b>Does all Foundation School land transfer to the Foundation Body or School Governors?</b>	Regulations set out what land should transfer. In the case of a Community School becoming a Foundation School, all land held and used by the LA for the purpose of the school will transfer and be vested in the school's Foundation Body or, if it had no Foundation body, the Governing Board.
<b>How does becoming a Foundation School affect capital funding?</b>	Foundation schools will have the same flexibility as maintained schools to manage their own assets while remaining a full and equal part of the LA planning process for capital spending.
<b>Who is responsible if there is a problem with one of the buildings at a Foundation School?</b>	The responsibility for the school buildings rests with the Governing Board. However, where there is an emergency, LA support would be available as for any other maintained school.
<b>What does Foundation status mean for staff?</b>	Staff will be employed by the Governing Board. Existing staff will transfer to a new employer – from the LA to the Governing Board. They transfer as per the prescribed conditions which protect their existing conditions of service. Existing and new teaching staff will continue to work under the relevant terms and conditions for Teaching & Support staff. The school will not have a two-tier workforce with new employees offered the same terms and conditions as transferred employees.
<b>Who is responsible for employing staff in Foundation Schools?</b>	The Governing Board is the employer. As such, the Governing Board has the full range of employer responsibilities under employment law. The Governing Board can delegate responsibility for day-to-day staffing matters to the Headteacher.
<b>What liabilities may attach to the Governing Board in respect of employment matters?</b>	The Governing Board may, as the employer, in some circumstances have to appear at an Employment Tribunal to defend themselves, if, for example, candidates for a post at the school complain that a Governing Board's decision or procedure discriminated against them, or if an employee

	<p>complains that they had been dismissed unfairly. In cases of dismissal, the LA has to pay any compensation or legal costs awarded by an Employment Tribunal unless they can show that they have good reason to charge the school's delegated budget (e.g. if the LA had previously advised the Governing Board that an Employment Tribunal was likely to decide a dismissal was unfair).</p>
<p><b>How are the pensions of teaching and non-teaching staff affected by a school acquiring Foundation Status?</b></p>	<p>Teaching staff would stay in the Teachers' Pension Scheme and would not be subject to any change. The LA would continue to be responsible for completing and signing off all the relevant documentation in relation to individual staff's pensions. Non-teaching staff at Foundation Schools are allowed to continue to be in the Local Government Pension Scheme (LGPS) if the LA, with the consent of the School Governing Board, has by a statutory resolution specified them to be eligible to belong to the scheme.</p>
<p><b>What will happen to school admissions?</b></p>	<p>The school will determine its own admissions arrangements. It will operate within the same legal framework as all other maintained schools, which means it will act in accordance with the School Admission Code. Foundation Schools will be required to play their full part in taking hard to place students, having fair admissions and working with other schools in admission forums and coordinated admissions arrangements. For Foundation Schools, the Governing Board is the Admission Authority and may determine the admission arrangements for the school.</p>
<p><b>What statutory framework governs the admissions process?</b></p>	<p>All Admission Authorities must have regard to the statutory guidance within the Schools Admissions Code of Practice and the School Admission Appeal Code of Practice. The admission Code of Practice provides guidance on acceptable oversubscription criteria.</p>
<p><b>Who is responsible, under the relevant legislation, for Health &amp; Safety issues at a Foundation School?</b></p>	<p>Statutory health and safety responsibilities fall to the Governing Board – as the employer – and on the Headteacher and staff – as employees. Under the Health &amp; Safety at Work Act 1974 and related regulations, the Governing Board has a range of legal</p>

	responsibilities, as the employer, including devising and implementing a Health and Safety policy for the school, allocating adequate resources, carrying out accident reporting and investigation, ensuring access to a 'competent person' to assist with the management of health and safety, implementing various monitoring procedures and keeping up-to-date with changes in the health and safety legislation.
<b>Does Foundation status confer any additional liabilities on the School Governing Board?</b>	The Governing Board has additional liabilities related to its responsibilities as the employer of staff, the owner of the school land and buildings and as its own Admissions' Authority. The Governing Board will need, therefore, to take out adequate insurance to cover its potential liability for negligence in carrying out these responsibilities. This can be either arranged by the Governing Board or through the LA. If the Governing Board makes its own arrangements, rather than buying into a policy arranged by the LA, the LA is entitled to check that the arrangements are adequate and, if they are satisfied that they are not, can charge the cost of additional insurance to the school's delegated budget.
<b>Are individual Governors personally liable for the Governing Board's decisions and actions?</b>	Because it is a corporate body, individual Governors are generally protected from personal liability in such circumstances. Provided they act honestly, prudently, reasonably and in good faith any liability will normally fall on the Governing Board as a whole rather than on individual members.
<b>What impact will Foundation status have on the curriculum that our students follow at school?</b>	The school will still have to follow the national curriculum and will be held accountable for the progress students make based on the national accountability measures.
<b>What responsibilities relate to Foundation Schools for children with special educational needs?</b>	All schools, including Foundation Schools, must take account of the statutory code of practice on special educational needs. The school must admit any students with special educational needs whose statement, issued by the LA, names their school.
<b>Who is responsible for enforcing the attendance of students of</b>	The LA has the legal duty to enforce school attendance. The Governing Board, for its part, has a legal duty to assist the LA in this respect by keeping an admissions and attendance register in the format

<b>compulsory school age who attend Foundation Schools?</b>	required by statutory regulations and for telling the LA about any students who do not attend regularly or who are absent for long periods.
<b>Who is responsible for exercising the power to exclude a student from a Foundation School?</b>	Like all other maintained schools, only the Headteacher (or Acting Headteacher) has the power to exclude a student for a fixed period or permanently.