

# **Al-Furqan Primary School: Proposal to change from voluntary aided to voluntary controlled**

## **Frequently Asked Questions (last updated Monday 20<sup>th</sup> June 2022)**

The Interim Executive Board (IEB) is proposing to change the category of Al-Furqan Primary School from voluntary aided (VA) to voluntary controlled (VC) in January 2023.

This document sets out answers to the frequently asked questions that have been raised during the consultation process, grouped into the main themes.

This document will be regularly updated throughout the consultation process.

The purpose of this document is to respond to questions and comments raised during the first (informal) stage of the consultation process.

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## **The proposal**

### **Why is changing the school to voluntary controlled being proposed?**

The Interim Executive Board (IEB) has been overseeing the strategic direction of the school since 2013. Various options for the school have been considered, including remaining voluntary aided, changing category to voluntary controlled, and conversion to an academy. The IEB believes that a change of the category of the school to voluntary controlled is the best way to ensure that the school continues to improve.

### **Why can't the school continue with the IEB?**

Interim Executive Boards (IEBs) are not intended to be a long-term solution for a school.

An IEB is a small board appointed on a short-term basis to turn around a school that is judged to be in urgent need of rapid improvement. An IEB replaces the governing board of the school and its main function is to provide interim expertise and high-quality governance. This must support future improvement in the school, including the promotion of high standards of educational achievement.

The IEB at Al Furqan replaced the governing board in 2013, after the school was judged to be inadequate under the VA Governing Board structure in place in 2012. The IEB has been in place ever since.

### **Why can't the school remain voluntary aided as it is now a 'Good' school (Ofsted 2017)?**

The IEB and the council have improved on the various matters that were previously inadequate under the direction of the VA governing board. During the period since the school achieved 'Good', there has been no evidence that a governing board with a majority of members appointed by the Al-Furqan Education Trust (AFET) would be able to replace the IEB or maintain and continue the improvement journey of the school. The council and a new VC governing board would continue to work closely with AFET, and AFET would appoint two members of the governing board as foundation governors, whose role would be to ensure that the ethos of the school is maintained in accordance with the trust deed.

[See also the section of this FAQ – "Governance".]

**If the school became voluntary controlled, what would change and what would stay the same?**

Religious character – Muslim	Stay the same. The designated religious character of the school is mandated in an order signed by the secretary of state and cannot be changed by the school or the council.
Curriculum, RE and IQA	Stay the same.
Collective worship	Stay the same.
Staff	Change. Staff will be employed by the council (staff will still be appointed by the governing board). Please also see section below on: <i>How would the school ensure that teachers recruited in the future uphold the faith of the school?</i>
Governance	Change. VC governing board members: <ul style="list-style-type: none"> <li>• 1 Local Authority governor,</li> <li>• 2 parents,</li> <li>• The Head Teacher,</li> <li>• 1 staff member,</li> <li>• 2 Foundation governors appointed by AFET,</li> <li>• Co-opted governors (number to be decided by the governing board)</li> </ul>
Finance	Change. Funding for building and land maintenance would come from the council, rather than from the DfE. All other funding (e.g. pupil funding) would stay the same.
Land	Stay the same. The VC governing board would continue to have control of the land in the same way as the IEB. (AFET will continue to hold the land on trust for the school).

For further details, please see the table in the proposal document and the other sections of this FAQ document.

**When will it happen?**

If the IEB decides to proceed to the formal part of the consultation, the documentation will set out timescales for this in line with the prescribed school organisation rules and any further consultation with staff regarding their transfer from Trust to council employment.

### **Will the council make all the decisions for the school going forwards?**

No, the VC governing board would make decisions. The governing board will direct the school according to the formal document, “the Instrument of Government” and their statutory duties.

### **If the school became voluntary controlled, could the council just change things?**

No. The governing board would be able to direct and make certain changes. For other changes, the governing board and the council would have to follow specific processes, policies or laws (e.g. this School Organisation process for proposing changes like VA to VC).

### **How many responses would mean that the proposal would be approved / rejected?**

The responses are not counted like a vote - there is no number or percentage of responses that would automatically mean the proposal is rejected or approved. The responses are for consideration by the proposer (i.e. the IEB) and the decision maker (Birmingham City Council).

### **What would happen if the proposal is rejected?**

The IEB would then have to consider all options again before proposing a solution for the continued improvement of the school. The options would include: to make no change; academisation; or remaining VA. However, it is important to note that the option of making no change is untenable as the IEB cannot continue to remain in place (see p2 for details). The IEB are also clear that they do not believe that remaining VA is in the best interest of the school (see p2 for details).

## **Religious character**

### **Will the Muslim status of the school change?**

No, Al-Furqan would keep its Muslim status as a VC school (the “designated religious character”). This is mandated in an order signed by the secretary of state and cannot be changed by the school or the council.

### **Will there be a change to Religious Education (RE) at the school?**

No, the school would continue to teach the same curriculum that it does now - this is the Birmingham Agreed Syllabus for Religious Education. This syllabus is agreed by representatives from all major faith groups, including Muslim representatives.

### **Would the school continue to teach IQA?**

Yes, the school would continue to teach Islamic, Quranic and Arabic studies (IQA) along with the National Curriculum. As part of the IQA, Arabic would continue to be the modern foreign language taught at the school.

The IEB's proposal is made on the basis that the teaching of the IQA and the Arabic language would continue, as these are important and enhancing elements of the school. The ethos of the school will be set out in the proposed Instrument of Government.

### **How would the school ensure that teachers recruited in the future uphold the faith of the school?**

The Equality Act 2010 prohibits religious discrimination in employment. However, there are some limited exceptions for VA and VC schools which have a religious designation – **Sections 58-60 SSFA 1998**.

VA schools may give preference for appointment, remuneration or promotion to teachers who hold religious opinions, attend religious worship, or are willing to give religious education in accordance with the tenets of the school's religion. In terminating teachers' employment, VA schools may also have regard to any conduct incompatible with the tenets of the school's religion. However, VA schools must not disqualify anyone from being employed at the school as non-teaching staff because of their religious opinions or whether they attend religious worship.

In VC schools, the staff must include "reserved teachers" who are specifically appointed to give religious education and selected for their fitness and competence to give religious education in accordance with the trust deed or the tenets of the school's religion. The foundation governors must be consulted on these appointments. The same exceptions to the Equality Act 2010 apply to reserved teachers at VC schools as to teachers at VA schools. In the appointment of head teachers at VC schools, regard may be had to that person's ability and fitness to preserve and develop the religious character of the school, and this applies regardless of whether the head teacher will be a "reserved teacher". Apart from these exceptions, no member of staff at a VC school may be discriminated against on the grounds of their religious opinions or whether they attend religious worship.

## **Staff**

### **How will this affect staff?**

The council would follow a special legal process to become the employer of all the staff: the Transfer of Undertakings (Protection of Employment) process (TUPE). Any changes to existing terms and conditions resulting from the transfer will be in full consultation with the trade unions and teaching associations.

### **Would staff still be able to go on Hajj?**

An application by a member of staff employed or engaged at the school for leave of absence (unpaid) to perform Hajj for a period of ten days between the 2<sup>nd</sup> of Dhul Hajj and 11<sup>th</sup> of Dhul Hajj would be supported, subject to the need to ensure the safeguarding of pupils, the maintenance of educational standards and performance, and the proper and effective use of the school's financial resources.

## Admissions

### Would the admission arrangements for the school change?

Yes, the council would manage and coordinate the admission arrangements. This would mean some changes to the admissions and “oversubscription criteria”. Please see the proposal document for the full details of the changes that would happen.

### How would the admission arrangements affect children of staff who already attend the school?

Staff members’ children who are already on roll at the school would not be affected. The “sibling priority” would also stay the same for any of their siblings applying for a place at the school (provided that a sibling would still be in attendance on the date the other sibling is admitted).

## Governance

### What issues did the IEB identify at the school when they took over governance? Can the IEB please be transparent about all the issues they picked up at the school when they took over the governance?

In 2012 a VA governing board with a majority of members appointed by AFET was leading the school, and the head teacher was a member of AFET.

When the school was inspected by Ofsted in 2012 (report can be found [here](#)) the inspectors identified the concerns listed below. The IEB has taken action and made significant improvements in all of the listed areas.

- **Leadership and Management** was judged as **Inadequate**. The inspection report said:
  - “The school’s leaders, including governors, have low expectations of what pupils should be achieving and do not have a good enough understanding of how pupils are progressing. They are unaware of weaknesses in teaching, so they are not improving its quality or managing teachers’ performance adequately.
  - Lines of communication with many parents and carers have broken down, leading to high levels of dissatisfaction.”
- **Quality of teaching and Achievement of pupils** were both judged **Inadequate**. The inspection report said:
  - “Much of the teaching in Years 1 to 6 is inadequate, which leads to widespread underachievement.
  - Teachers do not expect enough of pupils or give them work that is matched to their abilities.
  - Teachers set homework only sporadically and do not mark books well enough, which does not help pupils know how to improve their work.
  - Groups of pupils are taught for long periods by teaching assistants and they do not make enough progress.

- In some lessons, insufficient resources, especially books, slow pupils' progress."
- **Behaviour and Safety of Pupils** was judged as **Requires Improvement**.  
The inspection report said:
  - "Some older pupils misbehave when teaching is weak."

In addition, improvements have been made by the IEB in the following areas:

- Safeguarding practice
- Financial management and control

### **What has the Trust had to do with the school since the IEB was in place? What have they been doing since 2012?**

Representatives of the Trust have visited the school to review the teaching of the IQA on a half-termly basis.

The Trust entered into Transfer of Control agreements with the IEB to regulate the shared use of the publicly funded Primary School site until the Trust's private Girls' School, Boys' School and Nursery vacated the site.

The Trust entered into a Transfer of Control agreement with the IEB for community use of the primary school's prayer hall outside school hours, and set up a mosque management committee to liaise with the IEB about this

The Trust and IEB have worked together to enable the Trust to apply for public funding for capital projects/building works on the school site.

### **How much input would the Trust have if the school becomes voluntary controlled?**

AFET would appoint two foundation governors to sit on the new VC Governing Board.

### **Who would be on the new governing board?**

- 1 Local Authority governor
- 2 parents
- The Head Teacher
- 1 staff member
- 2 Foundation governors appointed by AFET
- As many co-opted governors as the new Governing Board agrees is necessary to effectively govern the school

### **When would the new governing board be ready?**

A new board would be in place ready to take over governance of the school as soon as it converted to become VC.

**What will the new Instrument of Government (IOG) look like? Can you share it with the parents in advance?**

The proposed draft IOG is attached to this document.

**What is a “shadow governing board” and has this option been explored; why isn’t there one?**

In 2010 the DfE issued regulations that confirmed that local authorities can determine in each individual case whether it is appropriate to put in place a shadow governing board, or move straight to establishing a normally-constituted governing board.

A shadow governing board would be appointed by the council to work alongside the IEB for a minimum period of 6 months. The 2010 Regulations specify that the shadow governing board must exercise any functions which have been delegated to them by the IEB.

Once the IEB ceases to operate, the shadow governing board acts alone as the governing board of the school for a minimum period of 6 months, but no longer than 13 months. At the agreed time, the shadow governing board is then replaced by the normally-constituted governing board.

The members of a shadow governing board include the Headteacher, an LA governor, a Staff governor, at least 2 Parent governors, and Foundation governors. The number of Foundation governors will vary depending on the type of school. All shadow governors are appointed by the council but the council must first consult the body entitled to appoint foundation governors. Additional co-opted governors can be appointed, as necessary. All appointed shadow governors are required by the 2010 Regulations “to have the skills required to contribute to the effective governance and success of the school”.

The IEB of Al-Furqan Primary School is proposing to change the school’s status from voluntary aided to voluntary controlled.

The view of the IEB and Al-Furqan Education Trust at present is that a voluntary aided shadow governing board is not the right option for the school at this time.

This may be reconsidered following the outcome of the next stage of consultation.

## **Land and buildings**

**What will happen to the school site and buildings if the school changes from voluntary aided to voluntary controlled?**

The Trust would continue to hold the land on trust for the purposes of the primary school but the new VC governing board will have control of the land and buildings.



## **How to contribute**

### **How can parents submit comments; and how will parents be kept informed?**

Parents will have another opportunity to submit comments during part 2 of the consultation process if the IEB decides to proceed to the next (formal) stage of the consultation. The IEB will write to parents with all the details needed at that time.

Details of a consultation webpage will also be shared, which will include updates and progress at certain points of the process.