



European Schools

Office of the Secretary-General

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Brussels, 15th December 2010

To the attention of Mrs P. CHARLES
Head of the UK delegation
Dept. for Education
Joint International Unit
Caxton House
Tothill Street
GB – LONDON SW1H 9NA

European School of Culham: Transformation into an Academy

Dear Mrs Charles,

I refer to your letter of 10 December 2010 to seconded staff at Culham in which you informed them that it will not be possible to continue the present tax concessions after Culham becomes a Type II school and an Academy.

This will no doubt make the option of remaining at Culham much less attractive for them and raises the prospect that most, if not all, of the seconded staff will wish to leave Culham and seek secondments to other European Schools.

The prospect of their departure highlights the question whether the Academy will be in a position to deliver the various commitments arising from the previous decisions of the Board of Governors on the future on the school.

It is not solely a question of the risk to educational continuity for the existing pupils if a large number of the existing staff leave the school at the same time.

There is also a wider issue in that the Board's commitments to the existing pupils, i.e. the pupils who will continue their education in the so-called "legacy school", impose different requirements from those that apply solely to the creation and accreditation of a new Type II school. The proposals in the Dossier of Conformity may be sufficient to meet the criteria for accreditation but may not necessarily be sufficient to meet the specific obligations of the "legacy school" with regard to the existing pupils.

Office of the Secretary-General of the European Schools, c/o European Commission, Bât. Joseph II 30, 1049 Brussels - Belgium

Office: JII/30 - 02/124. Telephone: direct line +32 (2) 295 37 47. Fax: +32 (2) 298 62 98.

<http://www.eursec.eu>

E-mail: renee.christmann@eursec.org

The basis for these obligations stems from the various decisions taken by the Board of Governors since 2007, in particular the Board's decision that Culham should be phased out as a Type I school over a seven year period up to 2017 and the specific phasing-out scenario approved by the Board in January 2009.

That scenario provided for the progressive closure of admission to the nursery and primary school starting in September 2010, but also stated that intake into all secondary years, including from Primary 5 to Secondary 1, should occur continuously from September 2010, with the last intake being in 2016.

The phasing-out scenario did not include any change in the structure of the school (number of language sections, etc.) or in the type of education for existing pupils.

Thus the scenario envisaged that the existing pupils transferring from Primary 5 to the secondary cycle after 2011 would be able to continue their studies in the same way as in the existing Type I school.

In this respect, it should be noted that the phasing-out scenario goes further than the "Gaignage" criteria since the latter guarantee only that pupils will be able to continue the studies undertaken in a given cycle.

That aspect of the phasing-out scenario is not reflected in the draft "legacy statement" that you submitted to the Board of Governors in December 2010 as part of document 411-D-2010-en-1. The educational offer in that statement is based on the "Gaignage" criteria and envisages that primary pupils will continue to be educated according to the educational pathway chosen for them prior to 31 August 2011 only to the end of the primary cycle and not when they transfer to the secondary cycle.

There are other aspects of the legacy statement which similarly do not seem to correspond to the phasing-out scenario; in particular the entitlement to mother tongue language teaching for pupils in the Dutch and Italian sections. In addition, the legacy statement should perhaps record the position with regard to the teaching of Danish in accordance with the decision of the Board of Governors in December 2010. There are also some points where further clarification seems necessary, for example the reference to the choice of Language 2 at the beginning of year 3 of the primary.

I should be grateful if you would review the present draft of the legacy statement to take these points into account.

With regard to the specific issue of the likely departure of the seconded staff, I think the Board of Governors will wish to see a detailed analysis of its effect on educational continuity and how the Academy plans to respond to such a situation. This should perhaps be included in the legacy statement.

In this context, a formal written agreement between the Board and the competent UK authorities (the "legacy agreement") is essential. Its wording will need to satisfy the Board that, if the Board changes its previous decisions on the future of the school by agreeing to the transformation to an Academy in 2011 rather than closure in 2017, the Board will not be left carrying a financial risk arising from legal action by persons who may consider that the legacy school does not meet the commitments that the Board has made.

I should be grateful if you would confirm that you agree this central principle of the proposed agreement. I note that, following the discussions between our respective legal advisers, you will send me a draft of the agreement in preparation for the meeting that we have arranged to take place in the New Year.

I must stress that it is urgent to make progress on these documents. If the Board of Governors is to be in a position to take further decisions in April 2011, the documents must be available for the preparatory committees, starting with the Joint Teaching Committee which meets in early February.

I have written separately to the heads of delegation with seconded staff at Culham asking them to contact their staff about the options open to them (secondment to the Academy or transfer to another European school) if, as planned, the school becomes an Academy in September 2011.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Christmann', with a long horizontal stroke extending to the right and a small hook at the end.

Renée CHRISTMANN
Secretary General

Copy : Members of the Board of Governors
Mr S. Sharron, Director of the ES Culham