



European Schools  
Office of the Secretary-General

Ref. : 2011-01-D-36-en-3

Orig. : EN

## European School Culham

---

Board of Governors

Brussels, 12, 13 & 14 April 2011

---

## 1. Issue

The approval of the Board of Governors to the Dossier of Conformity for the transformation of the European School Culham into an Academy was given subject to certain conditions. It did not prove possible to reach agreement on the way in which those conditions could be met.

The sponsors of the transformation, CLASS, announced on 2 February 2011 that they have withdrawn from the project.

The UK delegation has formally withdrawn the General Interest File and the Dossier of Conformity for Type II status for Culham, discussed by the Board of Governors in December 2009 and December 2010 respectively.

This means that the transformation of the school to an Academy will not now take place. There is no change to the decision of the Board of Governors of April 2007 that the school should, over a period of seven years commencing in September 2010, be phased out as a Type I European School.

The Secretary-General has asked delegations that have seconded staff in post at Culham to re-examine the transfer requests that they have received from staff at the school and, wherever possible, to cancel or postpone such transfers. It is now expected that, out of the 53 existing seconded staff in post in 2010/2011, 43 will stay at Culham in 2011/12 and there will in addition be 2 new secondments to the school, so that there will still be a total of 45 seconded staff.

The following issues need to be resolved:

- the prolongation of the appointment of the acting Deputy Director of the secondary school;
- a decision on measures to permit redeployment of locally recruited staff whose contracts will be terminated;
- the possibility of prolonging the secondment of staff who would reach the end of the normal maximum period of nine years before the closure date of 2017; and
- the need for a new decision of the Board of Governors regarding the post of Danish teacher at Culham.

## 2. Background

The Dossier of Conformity for the Culham European Academy (2010-D-339-en-3) was presented to the Board of Governors at its meeting of 1 - 3 December 2010, together with a report on the related decisions that would be required by the Board with regard to the closure of the existing Type I European School (2010-D-1410-en-2 and an Addendum).

The Board of Governors:

- *approved the Dossier of Conformity as set out in document 2010-D-339-en-3, subject to the satisfactory conclusion of the agreements currently under*

---

*discussion as referred to in document 2010-D-1410-en-2 and in the addendum to that document, namely:*

- *the draft agreement to provide a guarantee and indemnity for the Board of Governors in case of legal claims by parents, staff or others with regard to the commitments arising from the previous decisions of the Board on the future of Culham (the "legacy" agreement); and*
- *the proposed bilateral agreements between the Academy and the seconding authorities of the Member States with regard to the arrangements for the transfer of seconded staff to the Academy (the secondment agreements).*

The Board also approved a number of other specific proposals related to the transformation and took note of the various points for further action.

On 10 December 2010, the UK delegation gave notice that it would not be possible to extend the present tax concessions to staff who might wish to be seconded to the Academy.

On 15 December 2010, the Secretary-General wrote to the UK delegation expressing concern that, because of the tax issue, it seemed more likely that seconded staff would wish to seek transfers to other European Schools. She asked how the Academy proposed to respond to such a situation. She referred to the document that was being drawn up to set out the proposed educational offer to the existing pupils and asked that this should be strengthened in certain respects. She asked for confirmation with regard to the principles that were to be reflected in the "legacy" agreement referred to in the Board's decision of December 2010.

On the same date, the Secretary-General also wrote to delegations with seconded staff in post at Culham, asking them to inform their staff of the options that would be open to them if the school becomes an Academy. She asked that the national seconding authorities should not give final approval to requests from staff who wished to transfer to other European Schools, until the position regarding the future of Culham was clearer.

During January 2011, the Secretary-General received representations from a substantial number of parents, in particular those whose children are approaching the Baccalaureate, expressing opposition to the closure of the existing Type I school in September 2011. At the same time, the Secretary-General was made aware that very many parents were expressing strong support for the Academy proposal.

During the same period, meetings and discussions took place between the Secretary-General, the Commission, the UK Department for Education, CLASS (the sponsors of the transition to an Academy) and Mouchel (the consultants appointed by the DFE to manage the project), together with their respective legal advisers. The objective was to prepare the various legal texts necessary to define the terms of the transformation, including the draft agreements referred to in the decision of the Board of Governors (see above).

In the course of those discussions, it became clear that there was a difference of view between, on the one hand, the Secretary-General and the Commission and, on the other hand, of the Directors of CLASS on a legal issue; namely whether the educational offer by the Academy for the existing pupils should be set out in legally binding form.

The Secretary-General and the Commission took the view that a legally binding agreement was necessary in order to protect the commitments (to be funded by the Commission) that arose from the Board's previous decisions on the future of the school.

The reasons why CLASS took a different view are set out in a letter dated 2 February 2011 from the Chairman of CLASS (attached at Annex A) in which he announced that CLASS had decided to withdraw from their position as sponsor of the transition of the school to an Academy.

On 3 February 2011, the Secretary-General wrote to the Members of the Board of Governors to inform them of the decision taken by CLASS. In the same letter, she asked delegations with seconded staff in post at Culham to re-examine the transfer requests that they had received from seconded staff at the school and, wherever possible, to cancel or postpone such transfers. A copy of the letter is at Annex B. As noted above, it is now expected that, out of the 53 existing seconded staff in post in 2010/2011, 43 will stay at Culham in 2011/12 and there will in addition be 2 new secondments to the school, so that there will still be a total of 45 seconded staff.

The Commission's reply of 21 February 2011 to the letter from CLASS is attached at Annex C.

Following the announcement by CLASS, further representations were received from parents expressing their concerns that the project is not going ahead. The fact remains that the issues were complex and the continuing uncertainty was not in the interest of either the present European School or the Academy. Like all others who were involved, the Secretary-General, the management of the school and the Commission worked very hard to support the project and they shared the objective of preserving the excellence of the European School Culham and providing a model for future European language schools. However, it was not possible to resolve the legal difficulties referred to above.

On 15 February 2011, the Secretary-General took part in a meeting at the school to which all parents had been invited to discuss the consequences of the Academy not proceeding.

On 16 February 2011, the Secretary-General chaired an extraordinary meeting of the school's Administrative Board to take stock of the present situation and to prepare for the closure of the school in the best possible conditions in accordance with the principles of the phasing out scenario as previously approved by the Board of Governors.

This was followed by a meeting with all the staff of the school.

On 24 February 2011, the UK delegation informed the Secretary-General of the formal withdrawal of the application for Type II status for the Culham school (the General Interest File and Dossier of Conformity). A copy of the letter is at Annex D.

### **3. Issues for decision**

#### **a) Prolongation of the appointment of the acting Deputy Director of the secondary school (Mr T. Hackmann)**

The phasing out scenario approved by the Board of Governors in January 2009 envisages that a critical mass of pupils should be maintained in order to ensure the viability of the school and the provision of education until 2017.

---

Under this scenario, the phasing out process started with the closure of Nursery 1 in September 2010 and will continue with the closure of a further year group each year (closure of Nursery 2 in September 2011, closure of Primary 1 in September 2012 and so on). It is thus planned that, for the school year 2016-2017, all the classes of the secondary school will still be open with a forecast number of 430 pupils.

When the Deputy Director of the secondary school, Mr Pedersen, came to the end of his mandate in August 2009, he was replaced by an acting Deputy Director in view of the expected transformation of the school into an Academy the following year.

In accordance with article 7 of the regulations for seconded staff, Mr Thomas Hackmann, a teacher of German nationality, was appointed acting Deputy Director for the school year 2009-2010. When the planned opening date of the Academy was postponed to September 2011, Mr Hackmann's appointment was renewed for a further year, as is permitted by the provisions of article 7 referred to above. Article 7 specifies that the maximum period for such a temporary posting is two years.

As noted in section 2 above, following the decision of CLASS to withdraw from the Academy project, the school will remain a Type I European School until its closure in 2017.

In view of the particular situation at Culham, it is not proposed to proceed with an invitation for candidates for the post of Deputy Director.

It is therefore suggested that the Board of Governors should agree a derogation from the maximum period of two years specified by article 7 of the staff regulations in order to allow the continuation of the appointment of Mr Hackmann, who has demonstrated remarkable managerial professionalism and relationship skills during the past two years when the negotiations on the transformation to an Academy have created a degree of instability and uncertainty among both parents and staff. These relationships and in-depth knowledge of the school and European School system will provide continuity of management expertise and important stability in the challenging phasing-out period facing the school.

If the principle is agreed for a derogation from the normal maximum period, Mr Hackmann's appointment as acting Deputy Director could be continued for a further year with the possibility of further extension according to the situation of the school which would be kept under review. The other criteria laid down by article 7 would continue to apply; that is to say, the decision would be taken by the Secretary-General on a proposal from the Director with the opinion of the national inspector.

**b) Measures to permit redeployment of locally recruited staff whose contracts will be terminated.**

Under the proposals for the transformation to an Academy, it was not expected that the situation of locally recruited staff would require any special measures since they would have been able to transfer to the Academy. The emphasis at that stage was rather on the measures needed allow seconded staff to transfer to other European Schools if they wished to do so.

Under the new situation, the closure of the school will mean that the posts of all the locally recruited staff will be suppressed at some point during the period up to 2017.

---

Under the phasing out scenario, the posts of three nursery assistants will be suppressed in September 2011. After that, the suppression of posts of other categories of staff are likely to start to take place from 2013/2014 onwards.

Staff who are made redundant are entitled to a statutory payment under UK legislation, calculated on the basis of age, final salary and number of years' service. The maximum redundancy payment cannot be more than around €13,500 (at current rates). Administrative and ancillary staff are entitled to a payment as fixed by their service regulations if that is higher than the statutory payment.

The closure of Culham will require the implementation of the "Gaignage" criteria established by the Board of Governors in 2000 which set out the measures that must be taken in the event of closure of a school. For staff, these criteria require that the closure of a school will be accompanied by measures designed *"to permit redeployment of the members of the teaching, administrative and ancillary staff within the European schools system (or, where appropriate, within the member State in question) in satisfactory conditions, compatible with their service rules and in accordance with national regulations."*

In order to give effect to the "Gaignage" criteria, it is proposed that the Board of Governors should approve the following measures designed to permit the redeployment of staff.

- 1) In cases where the posts of locally recruited staff at Culham are suppressed as a direct result of the closure of the school, the Director shall establish whether there are vacancies in other European Schools or the Office of the Secretary-General which might be of interest to the staff in question.
- 2) Where there are such vacancies in the same grade or the same teaching subject, Culham staff shall be given priority for the post provided that the job description is similar and the staff have the qualifications required by the host country of the school and meet the normal criteria for knowledge of the language of the school. The normal requirements for publication of vacancies shall not apply in such cases. Where two or more members of staff are interested in the same post in another European School, the management of that school shall decide which of them shall be recruited by following the normal arrangements for the evaluation and selection of candidates. Staff of Culham who are recruited under these arrangements shall have a new contract that shall be the same as for any other new recruit in the school in question, except that they shall keep the same step (where applicable) on the salary scale as they had at Culham. For example, a secretary at Culham on step 5 of the salary scale would be paid at step 5 of the salary scale applicable to newly recruited secretaries in the new school. Locally recruited teachers would be paid according to the salary scale in the new school applicable to staff in post in that school before 1<sup>st</sup> September 2011. No other acquired rights would be maintained.
- 3) Where there are vacancies in different grades or teaching subjects, Culham staff may apply like any other candidate. Other things being equal, they shall be given priority over other candidates. If their application is successful, they shall be recruited under a new contract that shall be the same as for any other new recruit in the school in question, except that their salary shall be fixed at the step (if applicable) on the salary scale which is the first that carries a salary at least equal to the salary that they had at Culham. The salary scale for locally recruited teachers shall be determined as at point (2) above.

These measures would be a derogation from the normal rules insofar as they give priority to the recruitment of staff from Culham. For the administrative and ancillary staff, the measures would also be a derogation from the normal rules on starting salary; the arrangements proposed above are normally only available to staff who change school within the same country. The arrangements for salary applicable to locally recruited teachers would be the same as for any other staff in post before September 2011 who subsequently change school (subject to approval by the Board of Governors of the new regulations for these staff).

It is perhaps for consideration whether removal costs and reinstatement allowances should be paid to locally recruited staff who take up a post in another European School under these arrangements (by analogy with the way in which the seconded staff would have been treated if the transformation to an Academy had gone ahead), or indeed whether such payments should be made to all Culham staff who are obliged to re-locate to find another post, whether or not the new post is in another European School. There is no provision for such payments in the current terms and conditions of locally recruited staff. It should be noted that all staff will be entitled to the UK statutory redundancy payment even if they are recruited by another European School or find a post elsewhere.

### **c) Extension of secondments beyond nine years**

In January 2009, the Board of Governors approved in principle the phasing out scenario set out in document 2111-D-2008-en-2.

The document stated that it was hoped that teachers who reached the end of their 9 year secondments could be given a prolongation so that they could stay at the school until the date when their classes are closed. These prolongations were stated to be essential for ensuring continuity and the highest possible quality of education during the phasing out period.

Under the provisions of article 29 of the Regulations for the Seconded Staff, the total duration of a secondment may not normally exceed nine years. The regulations allow a tenth year in exceptional cases in the interest of the school. The phasing out scenario envisaged the possibility that some teachers should be given a prolongation of up to three years.

It is suggested that the Board of Governors should be invited to agree a derogation from the rules of article 29 so that, if the seconding authorities agree, secondments may be prolonged beyond the normal maximum duration, to allow teachers to stay at the school until the date when their classes are closed.

### **d) Retention of the post of Danish teacher for the school year 2011-2012**

In December 2010, the Board of Governors decided to suppress the post of Danish teacher at the European School, Culham for the reason that the school was being transformed into an Academy and that Danish national legislation did not allow teachers to be seconded to such an entity. Since the school will not now be transformed into an Academy, these reasons are no longer valid and the decision of the Board of Governors of December 2010 has become obsolete, since the factual and legal basis for its adoption are now lacking. It is therefore appropriate that the Board of Governors first withdraws its decision to discontinue the post of Danish teacher seconded to the European School, Culham and secondly, takes a new decision regarding this post. It is established that the Danish authorities agree to maintain this post for the next school year at least.

#### **4. Proposal**

The Board of Governors is invited:

- to note that the UK delegation has formally withdrawn the General Interest File and Dossier of Conformity for the Culham European Academy project;
- to note that the transformation of the European School Culham into an Academy will not now take place and that the phased closure of the school will proceed in accordance with the previous decisions of the Board of Governors;
- to approve a derogation from article 7 of the Regulations for Members of the Seconded Staff to allow Mr Thomas Hackmann to continue as acting Deputy Director, as proposed in section 3.a above;
- to approve the proposed measures designed to permit the redeployment of staff as set out in section 3.b (1, 2 & 3) above;
- to decide whether removal costs and reinstatement allowances should be paid to locally recruited staff who are obliged to relocate following the suppression of their posts at Culham;
- to approve a derogation from article 29 of the Regulations for Members of the Seconded Staff so that, if the seconding authorities agree, secondments of staff at Culham may be prolonged beyond the normal maximum duration, to allow teachers to stay at the school until the date when their classes are closed;
- to withdraw its decision of December 2010 concerning the suppression of the post of Danish teacher seconded to the European School, Culham and to approve the continuation of this post for the school year 2011-2012.

#### **5. Opinion of the Joint Teaching Committee**

The meeting of the Joint Teaching Committee took place very shortly after it became known that the transformation to an Academy was not going ahead. The specific proposals in section 3 above had not been drawn up at that time and were not presented to the Committee.

The Committee noted that the transformation of the European School into an Academy will not now take place and that the phased closure of the school will proceed in accordance with the previous decisions of the Board of Governors.

Many delegations expressed their disappointment that the project had not been successful and emphasised the need to proceed towards closure in the best possible conditions, while maintaining a positive approach to possible future proposals that would allow European education to continue at Culham after 2017. The Danish delegation recorded its wish to maintain the seconded post for Danish.



## **6. Opinion of the Budgetary Committee**

The Budgetary Committee took note of the official decision of the UK to withdraw the Dossier of Conformity for the Culham European Academy. The Committee welcomed the efforts of the parents to find other solutions to ensure the continuity of European education at Culham. The Committee recommended that the Board of Governors should approve the proposals at Section 4 above. The Committee took the view that the "Gaignage" criteria should be respected, but considered that a quantitative analysis and a timetable are necessary with regard to the redeployment of locally recruited staff.

*[Secretariat note: An analysis as requested by the Budgetary Committee is attached as Annex E of the present document.]*

# ANNEX A

## CLASS Culham Languages and Sciences

Chiltern Business Centre, 41 Couching Street  
Watlington, Oxfordshire, OX49 5PX  
Tel: 01491 615 218  
Email: michaeljay@class-europe.org

M. M Moricca  
Director  
Directorate General  
Human Resources and Security  
European Commission  
B-1049 Brussels  
Belgium

2 February 2011

*Dear Monsieur Moricca,*

Culham European School

I am most grateful to you for the time you spent discussing with me last Friday, and again at yesterday's videoconference, the differences which lie between us on the way in which the European School might transfer to the English state system as an Academy. As you know, this has been the fervent aim of the Directors of Culham Languages and Sciences (CLASS), who have been firmly committed to the continuation of the school.

I have consulted the Directors of CLASS following our videoconference yesterday. Our view is that, with great regret, we should withdraw from our position as sponsor of the transition of the school to an Academy. The reason for this is the continuing difference between the view of the European Commission and the European schools system that the delivery of the European curriculum in the legacy school should be set out and agreed in legally binding form; and the view of the Directors of CLASS that, as individuals engaged in the process because of their belief in the future of the school, they could only accept the legacy document as a statement of intent.

The Directors of CLASS also shared the view that even if – which must be doubtful – a resolution of this issue could be found, it would not be possible to do so in the very short time that is available before the uncertainty over the future causes real risks to the future of the school through the likely decision of seconded teachers to leave, and consequent continuing uncertainty for parents and pupils. We believe that the best course now in the interest of present pupils at the school, is for the measured closure of the school over the next six years to proceed as originally planned.

I am sorry to have to write with disappointing news.

*Yours sincerely,  
Michael Jay*

Lord Jay of Ewelme  
Chairman

# ANNEX B



European Schools

Office of the Secretary General

2011-02-LD-5 RCH/jg  
Brussels, 3 February 2011

## TO THE MEMBERS OF THE BOARD OF GOVERNORS OF THE EUROPEAN SCHOOLS

### European School of Culham

As you are aware, the approval of the Board of Governors to the Dossier of Conformity for the transformation of the European School Culham into an Academy was given subject to certain conditions. I regret to say that it has not been possible to reach agreement on the way in which those conditions could be met.

I have today been informed that the Directors of CLASS, the organisation that was sponsoring the transition to an Academy, have decided to withdraw from the project.

This notification was given in the attached letter of 2 February 2011 from the Chairman of CLASS, Lord Jay of Ewelme.

This means that the transformation of the European School of Culham to an Academy will not now take place. There is no change to the decision of the Board of Governors of April 2007 that the school should, over a period of seven years commencing in September 2010, be phased out as a Type I European School.

I share the disappointment expressed in Lord Jay's letter. I will give further explanation of the background in due course. It seems to me that the priority now is to ensure that the closure of the school should proceed in the best possible conditions in accordance with the principles of the phasing out scenario as previously approved by the Board of Governors.

I am aware that, in the previous situation of uncertainty, a large number of seconded teachers have requested a transfer to other European Schools. However, the situation has now changed. The special circumstances that would have justified such transfers no longer apply (except of course for staff in the nursery cycle whose posts will no longer exist from September 2011). Moreover, since the school will now continue with its present status and with its present

---

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.eurso.eu>

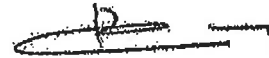
E-mail: [renee.christmann@eurso.org](mailto:renee.christmann@eurso.org)

conditions of service for seconded staff, the reasons that prompted these staff to request a transfer may no longer be valid.

It is very much in the interest of the school to avoid the wide-scale departure of seconded staff. As a matter of urgency, I would therefore ask delegations with seconded staff at Culham to re-examine the transfer requests that you have received from them and, wherever possible, to cancel or postpone such transfers.

I should be grateful if those delegations would let me know as soon as possible which of the present seconded staff at Culham are willing to stay at the school and whether it will be possible for them to do so.

Yours sincerely,



Renée CHRISTMANN  
Secretary General

cc Members of the Boards of Inspectors  
Mr S Sharron – Director of the ES Culham  
Directors of the European Schools

Enc: Letter from Lord Jay of Ewelme of 2 February 2011

Bureau du secrétaire général des Ecoles européennes c/o Commission européenne, Bât. Joseph II 30, 1048 Bruxelles - Belgique

Bureau: JII/30 - 02/124. Téléphone: ligne directe +32 (2) 295 37 47. Télécopieur: +32 (2) 298 62 96.

<http://www.eurso.eu>

E-mail: [renee.christmann@eursc.org](mailto:renee.christmann@eursc.org)



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY  
Directorate HR.C - HR Core Processes 2: Social Policy and Health  
The Director

**DG HR**

Brussels,  
hr.ddg.c.2(2011)158280

CLASS Culham Languages and Sciences  
Lord Jay of Ewelme, Chairman  
Chiltern Business Centre, 41 coaching Street  
Watlington, Oxfordshire, OX49 5PX  
[michaeljay@class-europe.org](mailto:michaeljay@class-europe.org)

Dear Lord Jay,

It is with great regret that I received your letter of 2 February, in which you clearly state the position of the Directors of Culham Languages and Sciences (CLASS) concerning the future of the school in Culham.

The European Commission has provided the legal framework and the financial possibilities necessary in order for the school of Culham to be able to be transformed into an accredited school, as mentioned in my letter sent on January 19 to Mr Peter Drummond, Deputy Director of the Joint International Unit in the Department for children, school and families.

The conditions for the use of the public funds that constitute the EU budget necessitate indeed a legally binding commitment as to the detailed guaranteed counter-provision of services in exchange for the public funds.

In addition, the Board of Governors in December 2010 approved the Dossier of Conformity of Culham Academy, subject to the satisfactory conclusion of the "legacy" document to provide a guarantee and indemnity for the Board of Governors in case of legal claims.

The pupils, teachers and parents are in our view entitled to guarantees as to the delivery of the European curriculum within an accredited school.

However, you clearly informed us that CLASS will be unable to provide this.

Therefore, the initial decision to phase out the school of Culham will proceed as originally planned. The pupils, parents and teachers concerned will, according to the initial phasing out decision, have certain legitimate expectations and the extraordinary administrative board planned for 16th February will provide parents and pupils as well as staff with all information and assurances necessary.

Yours sincerely,

Marco-Umberto MORICCA

Cc: Mrs R. Christmann, Secretary General of the European Schools  
Mrs C. Bardoux, Head of Unit HR C2  
Mr P. Drummond, Deputy Director; Joint International Unit  
Mrs P. Charles, European Schools Team, Joint International Unit

# ANNEX D

## Department for **Education**

Joint International Unit  
Caxton House  
Tothill Street  
London SW1H 9NA

Tel: 0207 340 4486

[pauline.charles@jiu.gsi.gov.uk](mailto:pauline.charles@jiu.gsi.gov.uk)  
[www.education.gov.uk](http://www.education.gov.uk)

Date: 24 February 2011

Mme R Christmann  
Secretary General to  
The European Schools  
Rue Joseph II, 30  
B-1049 Brussels  
BELGIUM

Dear Mme Christmann

### **Transformation of Culham European School: Withdrawal of application for European School Type II Status**

I should be grateful if you would arrange for this letter and its attachment to be translated and offered to the European Schools' Board of Governors in time for their meeting in April 2011.

At its meeting in December 2010, the European Schools' Board of Governors approved the Dossier of Conformity (2010-D-339-en-3) for Type II status for the Culham European Academy project subject to the satisfactory conclusion of the agreements under discussion as referred to in document 2010-D-1410-en-2 and in the addendum to that document, namely:

- the draft agreement to provide a guarantee and indemnity for the Board of Governors in case of legal claims by parents, staff or others with regard to the commitments arising from the previous decisions of the Board on the future of Culham (the "legacy" agreement); and
- the proposed bilateral agreements between the Academy and the seconding authorities of the Member States with regard to the arrangements for the transfer of seconded staff to the Academy (the secondment agreements).

I regret that I must confirm that it has proved too difficult to agree a legacy agreement text between CLASS and the European Schools, and therefore CLASS has withdrawn from its sponsorship of the Culham European Academy project. While CLASS had every intention of delivering a Type I School style of education at Culham to the legacy pupils at Culham up to 2017, they made it clear that they could only sign an agreement which bound them to use their best endeavours to do so. They felt that there were too many factors outside of their control that might affect the delivery of the legacy up to 2017, for them to be able to sign a document that was more strongly worded.

Their decision to withdraw from the project was not taken lightly. However, it was taken against a background where there was increasing disquiet at the school over the threatened imminent departure of a large proportion of the seconded teachers. This was causing great

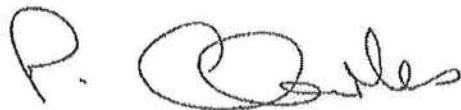
concern on the part of those parents anxious for their children approaching the all important European Baccalaureate options exercise and 2011 examinations. More worryingly, the pupils themselves were also showing signs of distress. While CLASS might have persevered with the discussions over the agreements, given the large measure of support expressed to them by parents of younger pupils in the school and parents of children for new admissions in September 2011, they were not prepared to allow the uncertainties over the future to go on affecting the school. They decided to withdraw at the beginning of February to allow the atmosphere at Culham to calm down in the weeks running up to this year's Baccalaureate examinations. I have attached Lord Jay's letter, withdrawing CLASS from the project, to this report.

On behalf of the UK Government, I am now writing to formally withdraw the General Interest File for Type II School status, submitted on behalf of Culham in 2009 and the Dossier of Conformity discussed by the Board of Governors in December 2010. Without the sponsor the project cannot continue and whilst UK Ministers share in the extreme disappointment that this project has had to be stopped, they recognise that it is inevitable that the process now cannot be completed by September 2011

The UK would like to offer its thanks to you and your staff and to the European Commission, for all of your hard work on this project. Those of us involved in the project in the UK systematically worked our way through every issue that needed to be resolved and had your full cooperation and assistance every step of the way. Even the day before CLASS took the decision to withdraw, everyone was convinced that a way might be found through the problem of the status and tone of the legacy agreement. However, everyone also acknowledged that, despite the many months already spent resolving issues, we were now running out of time and that in the interests of stability, the school needed a quick resolution of the problem. Unfortunately, that was not possible.

I should also like to thank the Board of Governors for its patience and the time it has given to discussing this unique and difficult project, on which we all had high hopes as a model for the future. I should also like to reassure the Board of Governors that the UK Government will continue support the school as it now moves to closure in 2017. I can also offer the reassurance that the UK is still actively looking for a way to preserve the school's ethos in South Oxfordshire. Recent changes in UK legislation mean that options other than the Academy option might be possible and the Department for Education is currently considering a number of proposals very carefully.

Yours sincerely



Pauline Charles  
Head of UK delegation

## CLASS Culham Languages and Sciences

Chiltern Business Centre, 41 Couching Street  
Watlington, Oxfordshire, OX49 5PX  
Tel: 01491 615 218  
Email: michaeljay@class-europe.org

The Lord Hill of Oareford  
Parliamentary Under Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London, SW1P 3BT

2 February 2011

*Dear Jonathan*

### Culham European School

I am very grateful to you and to the Department for the help you have given in the attempt to bring the European School at Culham into the state system as an Academy.

I am writing now to say that the sponsor, Culham Languages and Sciences (CLASS), has decided with great regret to withdraw from the project. It has become clear that there is a gap between the European Schools' view that the delivery of the European Baccalaureate in the legacy school should be set out in legally binding terms, and the strongly held view of the directors of CLASS that as individuals engaged in this process because of their belief in the future of the school, they could only accept this obligation as a statement of intent.

The Directors of CLASS, and I myself, have concluded that we shall not be able to resolve this difference – if it is indeed resolvable – quickly enough to avoid risk to the functioning of the school, given the likelihood of teachers seconded from the European schools system leaving at the end of the summer term if the present uncertainty continues; and the inevitable concern to which this gives rise among pupils and parents, and particularly pupils due to take the European Baccalaureate this year or next.

We greatly regret this decision, but believe in the current circumstances, it is the best decision for the school and its present pupils.

*May I once again thank you and your staff for all the help they have given,*

*Yours sincerely,* *Michael Jay*

Lord Jay of Ewelme  
Chairman

Registered Company No. 6851898  
Registered Charity No. 1132345



## Cost estimates and timetable

### Measures to permit redeployment of locally recruited staff (see section 3.b)

#### Administrative and ancillary staff

There are currently 12 full-time staff and 8 part-time (50%) staff in this category at Culham who could potentially be covered by the redeployment proposals.

Of these, 3 full-time posts of nursery assistant will be suppressed from August 2011. The remaining posts will be suppressed in August 2017.

The cost of the proposed redeployment measures will depend on the number of staff who wish to apply for vacancies in European Schools in other countries and on the vacancies that will be available in other schools at the time when posts at Culham are suppressed. This information is not available at present. It is thus only possible to give examples showing the costs in hypothetical individual cases.

It seems unlikely that staff would wish to take a job in a different country on a part-time basis. The following examples therefore cover full-time posts.

#### Redeployment in the same grade (section 3.b.2)

Example: ICT technician on step 8 at Culham redeployed to Brussels on step 8 instead of step 3 (the maximum for an experienced person recruited under the normal rules).

	Monthly salary: normal rules	Monthly salary: redeployment	Difference	N° of months (12,92)	Social charge (34.61%)	Annual cost	Cost for 2 years
Years 1 & 2	4136	5106	970	12.532	4.337	16.870	33.740
Years 3 & 4	4330	5106	776	10.026	3.470	13.496	26.992
Years 5 & 6	4524	5106	582	7.519	2.602	10.122	20.244
Years 7 & 8	4718	5106	388	5.013	1.735	6.748	13.496
Years 9 & 10	4912	5106	194	2.506	867	3.374	6.748
Year 11 & later	5106	5106	0	0	0	0	0
Total 10 year cost							101.219

Example: Assistant accountant on step 8 at Culham redeployed to Brussels on step 8 instead of step 3 (the maximum for an experienced person recruited under the normal rules).

	Monthly salary: normal rules	Monthly salary: redeployment	Difference	N° of months (12,92)	Social charge (34.61%)	Annual cost	Cost for 2 years
Years 1 & 2	3350	4121	771	9.961	3.448	13.409	26.818
Years 3 & 4	3504	4121	617	7.972	2.759	10.731	21.462
Years 5 & 6	3658	4121	463	5.982	2.070	8.052	16.104
Years 7 & 8	3812	4121	309	3.992	1.382	5.374	10.748
Years 9 & 10	3966	4121	155	2.003	693	2.696	5.392
Year 11 & later	4121	4121	0	0	0	0	0
Total 10 year cost							80.523

### **Redeployment in a different grade (section 3.b.3)**

Example: Nursery assistant at Culham on step 4 redeployed to Brussels as a secretary. The salary at Culham, expressed in euros, would be around €1800. This is less than the normal starting salary for a secretary at Brussels, which would range from €3041 to €3350. There would thus be no additional cost.

In fact, almost any realistically possible example of redeployment in a different grade arrives at a similar result – no additional cost. The benefit to staff of the proposed measures would be the possibility of priority over other candidates.

### **Locally recruited teachers (section 3.b.2 & 3)**

There would be no additional cost arising from the proposed redeployment measures for locally recruited teachers. The proposed arrangements for salary on redeployment would be the same as for any other locally recruited teacher who transfers from one school to another (assuming that the Board of Governors approves the proposals in documents 2011-02-D-1-en-2 and 2011-02-D-40-en-2, also on the agenda for the meeting of April 2011). The benefit to staff of the proposed measures would be the possibility of priority over other candidates.

### **Removal expenses (section 3.b)**

Removal expenses vary greatly according to the volume of goods to be transported and the destination. Recent average costs from Culham are:

Belgium	€3500
Luxembourg	€3900
Germany	€5800
Italy	€6400
Netherlands	€5200
Spain	€8700

### **Installation allowance (section 3.b)**

If the regulations for seconded staff were taken as a basis, installation allowances would be two months' salary for staff who relocate with their family and one month's salary for other cases. If salary at the new school were taken as the basis of the allowance, examples would be:

ICT technician on step 8 redeployed to Brussels; €10,212 (with family) or €5106 (other cases)

Assistant accountant on step 8 redeployed to Brussels; €8242 (with family) or €4121 (other cases)

Nursery assistant on step 4 redeployed to Brussels as a secretary; €6700 (with family) or €3350 (other cases).

Locally recruited teacher, secondary, redeployed to Brussels with a full timetable; €10,850 (with family) or €5425 (other cases).

Locally recruited teacher, primary, redeployed to Brussels with a full timetable; €9018 (with family) or €4509 (other cases)

### Extension of secondments beyond nine years (section 3.c)

The proposal for a derogation from article 29 to allow a prolongation for seconded teachers so that they can stay at the school until the date when their classes are closed would lead to a total saving of €28,427 if all cases were agreed, as shown in the table below.

#### Prolongations for seconded staff (€)

	10 years reached in	Prolongation to	Extra Years from 10th year	Net annual European supplement	Annual cost of locally recruited replacement	Annual difference	Extra Years	Total difference
<b>Primary</b>								
IR	8/2012	8/2014	2	19.789	47.686	27.898	2	55.795
<b>Secondary</b>								
DE	8/2016	8/2017	1	63.429	60.119	-3.310	1	-3.310
DE	8/2016	8/2017	1	38.328	60.119	21.790	1	21.790
DE	8/2016	8/2017	1	48.968	60.119	11.151	1	11.151
GB	8/2015	8/2017	2	64.972	60.119	-4.853	2	-9.706
FR	8/2015	8/2017	2	89.670	60.119	-29.551	2	-59.102
<b>Educ. Adviser</b>								
DE	8/2106	8/2017	1	35.877	47.686	11.809	1	11.809
<b>Total saving</b>								<b>28.427</b>

Notes:

European supplement includes the employer's contribution to the sickness insurance and accident insurance schemes.

Locally recruited replacement cost includes the employer's contributions to national insurance and accident insurance.

Locally recruited replacement salaries have been calculated on the rates applicable for staff appointed after 31/08/2011.

The difference in cost of a possible prolongation of the Acting Deputy Director (secondary) is not included. If a prolongation is not agreed, the function of Deputy Director would no doubt be assigned to another seconded teacher, who would in turn be replaced by a locally recruited teacher. That could result in either a saving or an extra cost to the school, depending on the net European supplement of the seconded teacher concerned.