

## **CABINET – 19 MARCH 2013**

### **PROPOSAL TO CHANGE THE CATEGORY OF BLETCHINGDON PAROCHIAL CE PRIMARY SCHOOL**

#### **Report by Director for Children's Services**

#### **Introduction**

1. Bletchington Parochial CE Primary School is a rural village school with an admission number of 10 children each year. It is currently a Voluntary Controlled school and proposes to change to become Voluntary Aided.
2. Most Church schools were founded as Trusts in the 19th century before the introduction of free state education. The 1944 Education Act established the fundamentals of the present system and introduced two categories of maintained voluntary school: either Voluntary Aided or Voluntary Controlled schools. At the time, most Roman Catholic schools opted to be VA, while more than half of Church of England schools became VC.
  - Voluntary-controlled (VC). When the 1944 Education Act allowed the parochial, endowed and national schools a choice of aided or controlled status these were the schools where the managers no longer had the funds or the will to maintain them. They became more like county schools but with the proviso that Collective Worship had to reflect their denominational foundation. Voluntary-controlled schools are run by the County Council, the council employs the school's staff, and runs the admission procedure. The school's land and buildings are normally owned by a charity, often a religious organisation, which appoints some of the members of the governing body.
  - Voluntary-aided (VA). These were partly funded by the state, with the foundation responsible for 50 per cent of capital works and having greater influence over the school. The 50 per cent figure has subsequently been reduced to 10 per cent, although the County Council does have discretion to cover this. Voluntary-aided schools are mainly funded, but not owned, by the Council. A governing body employs the staff, and set the admission criteria. The school's buildings and land are normally owned by a charitable foundation, often a religious organisation, and the governing body contributes to building and maintenance costs.

#### **The Proposal**

3. The Governing Body of the school has completed its own public consultation on the proposed change. A copy of the initial consultation leaflet is attached at Annex 1. Following the consultation, the Governing Body proceeded with the publication of formal proposals to change the category of the school to Voluntary Aided from 1 April 2013.

4. The statutory notice (attached at Annex 2) was published by the Governing Body in the Oxford Mail on 14 January 2013 and expired following 6 weeks of formal consultation on 25 February 2013. In accordance with legislation the notice was also posted at the school gate and sent to the local library. A copy of the full proposal (attached at Annex 3) and the notices were sent to the governing body and the Secretary of State and additionally made available on the Oxfordshire County Council website.
5. Form 18, a statutorily required document, was available to view on the Oxfordshire County Council consultation webpages for this proposal and is attached at Annex 4.
6. The decision-making power in terms of determining the notice lies with the Cabinet. In meeting as 'decision-maker' the Cabinet must have regard to government guidance and statutory timescales otherwise a decision can be referred to the independent Schools' Adjudicator for reconsideration. The decision must be made within 2 months of the close of the notice period; as a consequence, it is necessary for the Chairman of the Council to determine that the decision cannot be subject to 'call-in' as this would, in most cases, prevent a decision being finalised within the required timescale and mean that the Cabinet's role would be negated by referral to the Schools' Adjudicator.
7. The reasons for the proposed change, as stated by the Governing Body, are as follows:
  - i) The governors believe the school is unlikely to continue in its current status. They feel the need to follow changes designated by the Local Authority, Woodstock partnership and other local schools and feel there is a risk of change of status being imposed on the school in the future, possibly without the governors' control.
  - ii) The Government is already imposing Academy status on schools throughout the country. Schools are actively being encouraged to pursue Academy status and seek out private sponsors. The Governing Body has concerns that by moving to Academy status, the school may lose its identity, and local community management and support services currently being supplied by the LA may become more expensive and harder to source.

## **Representations**

8. One representation was received in favour of the proposal. No objections to the proposal were received.

## Legal Background

9. School category changes to Voluntary Aided are subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). Local authorities also have a duty to have regard to statutory guidance, in this particular case 'Making Changes to a Maintained Mainstream School', ("the Guidance"). When reaching a decision, Cabinet must have regard to The Guidance. Cabinet is referred in particular to pages 19 to 40 of The Guidance.
10. In terms of reaching a decision all proposals should be considered on their merits but the following factors should be borne in mind but are not considered to be exhaustive. The Decision Maker should consider the views of all those affected by the proposals. The Member for Education, as Decision Maker, must be satisfied that the statutory consultation has been carried out prior to the publication of the notice. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can make a decision on the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.
11. **The effect on standards, school improvement and diversity.** The government aims to create a dynamic system shaped by parents that delivers excellence and equality, closing weak schools, encouraging new providers and popular schools to expand. Decision Makers should be satisfied that the proposals will contribute to raising local standards of provision and improved attainment and consider the impact on choice and diversity. They should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities and deprived backgrounds. The decision-maker should consider how the proposals will help deliver the 'Every Child Matters' principles.
12. **School characteristics.** The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise and whether there is supporting evidence to support the extension and take into account the existence of capacity elsewhere. The Decision Maker needs to consider the accessibility of the provision for disadvantaged groups as the provision should not unduly extend journey times or cost.
13. **Need for places.** The Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion. There is a strong presumption that proposals to expand popular and successful schools should be approved. If surplus capacity exists in neighbouring schools the Decision Maker should ask how it is planned to tackle any consequences for other schools.

14. **Funding and land.** The Decision Maker should be satisfied that any land, premises and capital required to implement the proposals will be available.

### **Financial and Staff Implications**

15. There are no additional financial implications of this report for the county council. In signing Form 18 (Annex 4), the Governing Body has stated that it is aware that as a VA school it will have to fund a 10% contribution to future capital expenditure and that it has reviewed the state of the existing buildings and is confident that it can meet these costs. Form 18 also records the support of the Diocese for this proposal.
16. For a Voluntary Aided school, the source of any capital funding is LCVAP, and VAT is non-recoverable. However, Voluntary Aided schools would receive an increased grant.

### **Equality and Inclusion Implications**

17. As Bletchington Parochial CE Primary School is an existing Church of England school, it is not considered that the change of category to become Voluntary Aided will affect the religious character of the school in any way, and will not therefore have implications for either equality or inclusion. As a VA school, Bletchington would become an “own admissions authority school” and would set its own admissions policy.

### **Decision**

18. In considering the proposals for a change of category, the Decision Maker can decide to:
- Reject the proposals;
  - Approve the proposals;
  - Approve the proposals with a modification (e.g. the implementation date); or
  - Approve the proposals subject to them meeting a specific condition (see the Guidance).

### **RECOMMENDATION**

19. **The Cabinet is RECOMMENDED to approve the change of category of Bletchington Parochial CE Primary School to Voluntary Aided with effect from 1 April 2013.**

JIM LEIVERS  
Director for Children's Services

Annexes:                   Annex 1: Public consultation leaflet  
                                  Annex 2: Statutory notice  
                                  Annex 3: Full proposal document  
                                  Annex 4: Form 18

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**March 2013**