

## **Divisions Affected – Thame & Chinnor**

### **DELEGATED DECISIONS BY CABINET MEMBER FOR CHILDREN, EDUCATION AND YOUNG PEOPLE'S SERVICES**

**15 May 2024**

### **STATUTORY APPROVAL FOR ASTON ROWANT CE PRIMARY SCHOOL TO CHANGE CATEGORY FROM VOLUNTARY CONTROLLED TO VOLUNTARY AIDED**

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

#### **RECOMMENDATION**

1. The Cabinet Member is **RECOMMENDED** to
  - a) **Approve the proposal from the Governing Board of Aston Rowant CE Primary School to change its category from Voluntary Controlled to Voluntary Aided, with effect from 1 June 2024.**

#### **Executive Summary**

2. The Governing Board of Aston Rowant CE Primary School has proposed a change in category from Voluntary Controlled to Voluntary Aided. As a prescribed alteration under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, this requires a statutory consultation and decision-making process. While the Governing Board can propose this change, the decision-maker is the local authority. The Cabinet Member is now required to make a decision on the proposal in accordance with the statutory prescribed alteration procedures.

#### **Introduction**

3. The Governing Board of Aston Rowant CE School seek a change of category from a Voluntary Controlled School to a Voluntary Aided School. They consider this will better represent the vision and ethos of the school, and provide more control over financial decisions, specifically relating to premises maintenance and management.
4. This counts as a significant change under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, requiring a

prescribed alterations statutory consultation and decision-making process. Details of this process are set out in *Statutory guidance for proposers and decision makers* (last updated January 2023), referred to in this report as the *Guidance*. While the Governing Board can propose this change, the decision-maker is the local authority.

5. The council has followed the statutory process for a significant change. A statutory notice was published by the county council on 29 February, followed by the required 4-week representation period, ending 28 March. Two representations were received: one in support, and one which initially objected on the basis that it was unclear how the proposal would benefit the school or the parish. The school subsequently provided further information to the respondent who objected, and the respondent is understood to no longer object.
6. Under the prescribed process, the local authority must decide whether to approve the proposed alteration within 2 months of the representation period ending, i.e. by 28 May 2024, or the proposal must be referred to the Schools Adjudicator.
7. The Guidance advises that “For a proposal to change the category of a school to voluntary aided, the decision maker should be satisfied that the governing body and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least 5 years from the date of implementation, taking into account anticipated building projects. When making a proposal to change category, proposers will need to consider whether the current terms on which the school’s land is held on trust allows for the change in category proposed.
8. The governing body is clear that the specific financial responsibilities in relation to buildings, i.e. needing to fund 10% of the cost of capital work, is very achievable, and stated as such in its initial consultation document. There are no barriers to the change in category related to the school’s site terms.

## **Implications of the Proposed Change**

9. If the change of status is approved, a new Instrument of Government would be drawn up and a majority of the Governing Board would be Foundation Governors, appointed by the Diocesan Board of Education. The Board would welcome existing governors who wished to become members of the new Governing Board.
10. The change of status is not expected to have any implications for education standards. All the requirements of the National Curriculum still apply in a Voluntary Aided School. The Governing Board would be responsible for deciding the school’s policy on Religious Education and Collective Worship in relation to its Christian foundation and Trust Deed. The Diocesan Board of

Education recommends to Aided School Governing Boards that their schools work with the Locally Agreed Syllabus for Religious Education.

11. The change of status would mean that the Governing Board would be responsible for admissions, and these would still be co-ordinated by the local authority. In drawing up its Admission Policy the Governing Board of an Aided School must consult before making any changes to their policy with all the other Admission Authorities in its area. There is no intention to make any changes currently.
12. The change of status would result in a change in school building maintenance responsibilities and funding. Any new build or major refurbishment works for a Voluntary Aided School are 90% grant aided by the Diocesan Board of Education, with funds from the Department for Education (DfE) and would be the responsibility of the Governing Board. The remaining 10% of funding must be found by other means by the Governing Board, which accepts this responsibility. Governing Boards of Aided Schools receive support, guidance and expertise from the Diocesan Board's Premises Team.

## Financial Implications

13. The change in category would mean a minor impact to the funding OCC receives to maintain school buildings. OCC receives funding for Voluntary Controlled schools on a per pupil basis. The base per pupil rate for 2023/24 was £148.50 which is then adjusted using a calculation the DfE make for the condition of the school's buildings as determined by the DfE Condition Data Collection process. For a Voluntary Aided school, the Diocese would receive this funding instead.

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## Legal Implications

14. The proposals set out in this report involve a legal process which the Council has followed, including statutory consultation. The recommendation for a change of category results in a change of legal status for the school.
15. A change of category is covered by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 ('the Prescribed Alterations Regulations') which should be read in conjunction with Parts 2 and 3 and Schedule 3 of the Education and Inspections Act (EIA) 2006 (as amended by the Education Act (EA) 2011) and the Prescribed Alterations Regulations.

16. The proposed change is subject to the “Guidance”, as set out in “Making Significant Changes (‘Prescribed Alterations’) to maintained schools” last updated January 2023. This Guidance is for proposers and decision-makers. The Guidance states that the statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use ‘plain English’. The full proposal must be published on a website (e.g. the school or LA’s website) along with a statement setting out:
- a. how copies of the proposal may be obtained;
  - b. that anybody can object to, or comment on, the proposal;
  - c. the date that the representation period ends;
  - d. and the address to which objections or comments should be submitted.
17. A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to the Governing Board and any other body or person that the proposer thinks are appropriate.
18. The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Comments checked by:

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## **Staff Implications**

19. The change of category would mean that the governing board would become the employer of all the staff. The terms, conditions and continuity of the current staff of the school would be unaffected. TUPE consultations have been conducted alongside the statutory representation period.

## **Equality & Inclusion Implications**

20. There are no equalities issues, or implications for community cohesion.

## **Sustainability Implications**

21. There are no sustainability issues, or implications for travel and accessibility.

## Risk Management

22. There are no risk management issues.

## Consultations

23. The Governing Board of Aston Rowant CE Primary School conducted informal consultation between 18 December 2023 and 26 January 2024. There were 18 responses, of which there was nobody against, and two which were unsure, and to whom the Governing Body provided further information.

24. The statutory representations period ran from 29 February to 28 March 2024. There were two representations: one objection on the basis that it was unclear how the proposal would benefit the school or the parish, and one support. The school subsequently provided further information to the respondent who objected, and the respondent is understood to no longer object.

Lisa Lyons  
Corporate Director for Children, Education & Families

Annex 1: Statutory Notice

Annex 2: Statutory Proposal

Background papers: Nil

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