

Report of Director of Children's Services

Report to Executive Board

Date: 13 March 2013

Subject: Proposal to Change the Status of Bramley CE (VC) Primary School from Voluntary Controlled to Voluntary Aided

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Bramley and Stanningley		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The Governing Body of Bramley St Peter's CE Voluntary Contolled (VC) Primary School has published proposals and is consulting on a change of status to Voluntary Aided (VA).
2. In this case the Governors of the school are the proposers who have published the proposal and the Local Authority is the decision maker. The Governors have a right of appeal to the schools adjudicator.
3. Members can decide to:
 - Reject the proposal
 - Approve the proposal
 - Approve the proposal with a modification eg: the implementation date
 - Approve the proposal subject to meeting a specific condition and giving reasons for the decision

Recommendations

4. Executive Board is recommended to approve the proposal published by the Governing Body of Bramley St Peter's CE Primary School to change the school status from Voluntary Controlled to Voluntary Aided with an implementation date of 15th April 2013.

1 Purpose of this report

- 1.1 To provide members with information upon which to take a decision on proposals published by the Governing Body of Bramley St Peter's CE (VC) Primary School to change the schools status from Voluntary Controlled to Voluntary Aided.

2 Background information

- 2.1 The Education and Inspections Act 2006 revised the procedures for making changes to school provision. These are set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended by the School Organisation and Governance (Amendment) (England) Regulations 2007 and the School Organisation and Governance (Amendment) (England) Regulations 2009.
- 2.2 In this case the Governors of the school are the proposers who have published the proposal and the Local Authority is the decision maker. The Governors have a right of appeal to the schools adjudicator.
- 2.3 In considering a change of category to Voluntary Aided the decision maker must be satisfied that the Governing Body are able and willing to meet their financial responsibilities for building work. This can include considering whether the Governing Body has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of implementation, taking into account anticipated building projects. There are no building projects arising directly from this proposal and the maintenance of the existing building is considered at paragraph 4.4.2.
- 2.4 Members can decide to:
- Reject the proposal
 - Approve the proposal
 - Approve the proposal with a modification eg: the implementation date
 - Approve the proposal subject to them meeting a specific condition and giving reasons for the decision

3 Main issues

- 3.1 The School's Governing Body resolved at its meeting on 8th October 2012 to consult on changing the category of the school to Voluntary Aided. This set in motion the first stage of the process described in the Regulations requiring a proposer to consult all interested parties. The consultation document (attached as Appendix A) was published that detailed the implications for the school that a change of status would have in terms of:
- Ethos
 - The National Curriculum

- Inclusion
- Staffing
- Religious Education
- Collective Worship
- Governing Body
- Admissions
- Improvements to the building
- Funding

- 3.2 This initial consultation took place between 15 October 2012 and 19 November 2012 during which a public meeting was held at the school on 8 November 2012. The Diocesan Director of Education of the Diocese of Bradford Ripon and Leeds and a Local Authority Officer were in attendance at the public meeting. It is worth noting that during the meeting it was made clear that the proposal does not include any alterations to the current admission policy for the school. This is a separate issue that would be considered by the new Governing Body, as it would be required to do every year as its Own Admissions Authority, and any proposed changes would be consulted on as prescribed by the national Admissions Code. The Governing Body would have to consult on its admissions policy for the admissions round in September 2015 in November/December 2013.
- 3.3 At it's last Ofsted inspection the school was considered to be performing at a satisfactory level and the governors are now aspiring to achieve a good rating at the next inspection. The school is at floor targets and is using all avenues, including attaining Voluntary Aided status, to ensure good teaching and outcomes. The ambition is to raise the aspirations of local parents and for local families to want to send their children to the school.
- 3.4 There were 16 written responses to the consultation all of which were in favour of the proposal. 10 of the respondees had children that attend the school, 3 had children that attend other schools in Leeds, 3 worshipped at Bramley St Peter's Church, 6 worshipped at another Christian church, 1 was from a member of another faith, 2 were not a member of any faith community and 10 were from members of staff at the school. 2 written comments were made about the positive impact of the proposal on enhancing the Christian ethos of the school. There were no negative responses either in writing or at the public meeting.
- 3.5 The Governing Body considered these responses on 27 November 2012 and decided to proceed with the next stage of the process and publish a statutory notice. The notice was published on 3 December 2012 and there followed a 6 week statutory representation period during which comments and expressions of

support or objections can be made. Any views expressed will be taken into account by the decision maker.

- 3.6 The 6 week period ended on 14 January 2013 and there were no further responses.
- 3.7 A decision on the proposal must be taken by the Local Authority within 2 months of the end of the representation period with rights of appeal to the schools adjudicator. The statutory notice that was published indicated that the decision would be referred to the March meeting of the Council's Executive Board.
- 3.8 The proposed implementation date is 15 April 2013 to coincide with the 150 year celebrations at St Peter's Church at Bramley. The Governing Body must be reconstituted as soon as reasonably practicable but within 3 months of the implementation date. There would be a change of employer for the school staff from the implementation date. All rights, powers, duties and liabilities transfer from the Authority to the Governing Body.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Governing Body of the School has carried out public consultation as prescribed in Regulations which included holding a public meeting on 8 November 2012. This is described in section 3.2. Following this a statutory notice was published on 3 December 2012.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The decision has no direct implications for any places reserved for pupils with Special Educational Needs.
- 4.2.2 The Government's aim is to transform the school system and the Regulations specify that part of that vision is to create a more diverse school system offering excellence and choice. The Regulations state that decision makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the area and whether the alteration to the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps. There are currently no other Church of England Voluntary Aided primary schools serving this community and the Diocese has expressed strong support for the proposal.

4.3 Council policies and City Priorities

- 4.3.1 The Council has a statutory duty to act as the decision maker for the proposal published by the Governing Body of Bramley St Peter's CE Primary School. The authority for taking such a decision rests with the Executive Board. If it is unable to take a decision within 2 months of the conclusion of the statutory notice period the decision must be referred to the Schools Adjudicator.

4.4 Resources and value for money

- 4.4.1 The majority of capital expenditure for Voluntary Aided Schools is provided by Central Government but the Governing Body is required to make a 10% contribution.
- 4.4.2 As described in section 2.3 the decision maker must be satisfied that a Governing Body is able to meet its financial responsibilities for building work. To evidence this the Governing Body has provided a copy of the schools Asset Management Plan that was last surveyed in 2006. All of the priority maintenance items highlighted at the time have already been rectified and there are no significant liabilities. The school has completed all of the building work identified in it's Premises Development Plan and has provided a revenue budget statement to demonstrate that in addition to any Devolved Formula Capital funding that it receives it also has a healthy budget balance to meet the cost of any unforeseen maintenance that might arise. The school will also have access to the Locally Co-ordinated VA Programme for capital building works.
- 4.4.3 The Department for Education provides Form 18, a statement of governors' resources to defray expenses which would fall to be borne by them, that has been signed by the Governors and the Diocese.
- 4.4.4 A change to Voluntary Aided status will not affect the schools revenue funding.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The process that has been followed is in accordance with the Education and Inspections Act 2006 as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended by the School Organisation and Governance (Amendment) (England) Regulations 2007 and the School Organisation and Governance (Amendment) (England) Regulations 2009.
- 4.5.2 The school Governing Body is the proposer of the change of status and the Council is the decision maker.

4.6 Risk Management

- 4.6.1 If members decide not to approve the proposal there is a right of appeal to the school adjudicator. The Governing Body and the Church of England Diocese can exercise the right of appeal. Appeals must be submitted to the Authority within 4 weeks of the notification of the decision and the Authority must send the proposal and the representations to the schools adjudicator within 1 week of receipt.

5 Conclusions

- 5.1 Members can decide to:
- Reject the proposal
 - Approve the proposal
 - Approve the proposal with a modification eg: the implementation date

- Approve the proposal subject to them meeting a specific condition and giving reasons for the decision

6 Recommendations

- 6.1 Executive Board is recommended to approve the proposal published by the Governing Body of Bramley St Peter's CE Primary School to change the school status from Voluntary Controlled to Voluntary Aided with an implementation date of 15 April 2013.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.