

SURREY COUNTY COUNCIL

CABINET MEMBER FOR SCHOOLS AND LEARNING

DATE: 12 JUNE 2014

LEAD OFFICER: NICK WILSON, STRATEGIC DIRECTOR FOR CHILDREN, SCHOOLS AND FAMILIES

SUBJECT: PROPOSAL TO ALLOW STANWELL FIELDS VC PRIMARY SCHOOL TO CHANGE CATEGORY TO A VOLUNTARY AIDED SCHOOL



SUMMARY OF ISSUE:

The governing body of Stanwell Fields VC Primary School would like to change the status of the school to a Voluntary Aided category from April 2014. They have taken advice from the Diocese of London and Surrey County Council and have consulted with interested parties. The Cabinet Member for Schools and Learning has the responsibility of determining whether or not this proposal should go ahead.

RECOMMENDATIONS:

It is recommended that the Cabinet Member gives due consideration of all the issues and determines whether Stanwell Fields VC Primary School should change category to Voluntary Aided.

REASON FOR RECOMMENDATIONS:

The school has put forward this proposal for a number of reasons; its overall premise being that it believes it will benefit from greater independence as a Voluntary Aided School. A key perceived benefit is that the Diocese of London has undertaken to commit to a programme of capital maintenance using its Local Education Authority Voluntary Aided Programme (LCVAP) budget to improve the building stock and facilities at the school.

DETAILS:

The School's Proposal and Background Information

1. The Governing Body of Stanwell Fields Primary School wants to change its category to Voluntary Aided. The Governing Body has been considering the future development of the school and has concluded that the best interests of pupils, parents and staff would be served by seeking a change of status to Voluntary Aided.
2. The Governors give a number of reasons for the proposal. In the Headteacher's letter to parents dated 7 May 2013, Mr Franklyn stated that the Governing Body believed that the Voluntary Controlled category reduced their options for linking with other schools and limited their decisions about the future of their school. The Governors also believe that the change of category would bring more financial resources to the capital budget and would protect the

school from being forced into an external academy chain. The school was inspected by OFSTED in January 2014 and requires improvement.

3. Three Spelthorne Borough primary schools have recently become sponsored academies. These sponsorships are by other Surrey Academy chains, none of them are linked to the Diocese of London with which Stanwell Fields has strong ties. Stanwell Fields is receiving targeted support from Surrey County Council (SCC) and other support from the diocese. However there is no desire, currently, for the school to seek academy status in its own right.
4. The school has been promised a significant capital investment by the London Diocese were it to become one of its Aided schools. This is not something which SCC could currently match. The London Diocesan Board has commissioned a five year condition survey and the verbal feedback from this is that there are no major issues to be addressed. The school has some routine outstanding maintenance issues and is on a waiting list for these to be addressed by SCC. The school will become responsible for these if it changes category.
5. The governors are not proposing to cut all ties with the County Council and are committed to a continued working partnership with other local schools. Nor are they proposing to make any alteration to their Admissions arrangements which are currently those of Surrey County Council, the Admissions Authority for all Maintained and Voluntary Controlled schools in the county.
6. Stanwell Fields Voluntary Controlled Primary School was established in September 2004 by the amalgamation of St Anne's Community Infant School and St Mary's Church of England VA Junior School. The two former schools were adjacent to one another on the same site and the current school still operates in these buildings which are not formally linked as a single primary unit. The amalgamated primary school became Voluntary Controlled by Surrey County Council and serves the local parish of Stanwell within the Anglican Diocese of London.
7. Surrey owns the playing fields and the former community infant school building is held in Trust by the diocese. The diocese owns the land on which the two buildings are situated and the junior school building.
8. The Cabinet Member should note that this process is subject to statutory guidance and regulations established in a number of Education Acts and consolidated into the Prescribed Alteration Regulations and various amendments. The Governing Body and its advisers have paid due regard to this legislation.
9. The guidance to the Decision Maker states that he or she "should not simply take account of the numbers of people expressing a particular view.....instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals."

CONSULTATION:

10. The Governing Body initiated a public consultation in May 2013 and published a document which was circulated to stakeholders, local councillors and interested parties listed in the DfE Guidance document. A further public consultation was held from January to March 2014. This was undertaken as the

response to the first consultation had been limited and the Governing Body wished to ensure that all views had been taken into account.

- 11. The first consultation began on 1 May and ran for five weeks and two days until 7 June 2013. The second consultation ran from 10 January 2014 until 4 March 2014 - a total of seven weeks and four days.
- 12. The Governing Body held two open meetings on 14 May 2013 in order to explain its proposals in more detail to interested parties. These meetings were not particularly well attended with only the parents of nine families being present. The notes of the types of questions asked are available from the school. Two further public meetings were held on 22 January and 28 January 2014, at these meetings seventeen people attended representing twenty-one children. One County Councillor also attended. In addition, Governors were available to talk to parents and answer questions at both parents' evenings on 26 and 27 February 2014.
- 13. As a result of the second consultation, the Governors received one hundred and thirty five written responses from interested parties. Of these one hundred and thirteen respondents were in favour of the proposal; ten were unsure and one person was opposed to the proposal. This included forty-nine parents who were in favour of the change; one parent was opposed to the change and no parents were unsure.
- 14. The Governing Body subsequently held a meeting on 18 March 2014 where they considered in detail the responses from the consultation, including the response from the County Council. At this meeting the Governing Body ratified its decision to go ahead with the proposal to change the category of the school.
- 15. Statutory Notices were published by Surrey County Council on behalf of the Governing Body. The consultation ran for the legally prescribed period of four weeks from 22 April to 20 May 2014. No further responses were received by Surrey County Council during this time.

RISK MANAGEMENT AND IMPLICATIONS:

- 16. There are no apparent risks to this proposal going ahead. The management of the school will remain locally with the governing body and the Diocese of London will assume a greater responsibility for the buildings. The school will continue to be publicly funded through Surrey County Council's Local Management of Schools formula.

Financial and Value for Money Implications

- 17. If a school proposes to change category to Voluntary Aided evidence must be provided that the governing body are able and willing to meet the cost of their financial responsibilities for building work after the proposed implementation date. (Form 18 should be provided to the Department for Education for this purpose). Whilst the Secretary of State has the power to provide grant aid for up to 90% of building work costs, the governors must provide 10% themselves. In bringing forward these proposals the governing body should be able to demonstrate that it has access to sufficient funds to enable it meet 10% of its liabilities for at least five years from the date of implementation. The Governing Body could submit a schedule and/or statement as to how it will meet its liabilities for such costs.

18. The Local Authority has been informed by the Head Teacher that the 10% contribution would equate to approximately £10,000 per annum. The school states that it can raise this sum. Governors are satisfied that there are no major maintenance works required over the next five years. They have already converted some revenue budget into capital and, in addition to this, have around £71,000 in their Devolved Formula Capital budget at present. Also, as a Voluntary Aided school it would become eligible for LCVAP funding from the Diocese but would not be able to claim back VAT on capital expenditure. If the school changes its category the Local Authority would no longer be financially responsible for its buildings or land and would thus reduce its risk.
19. There are no statutory transfers arising as a result of this conversion as the buildings are already held in trust by the London Diocesan Board of Education and Surrey County Council will retain ownership of the playing fields.

Section 151 Officer Commentary

20. The Section 151 Officer acknowledges that there is little impact on the school's revenue budget as a result of the recommendation and the school is expecting to benefit from access to the Diocese's capital funding. The legal implications of the land rights following the change of category have been considered.

Legal Implications

21. School category changes to Voluntary Aided are subject to statutory procedures as established by The Education and Inspections Act 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 current statutory guidance, in this particular case 'Making Changes to a Maintained Mainstream School'. When reaching a decision, Cabinet must have regard to The Guidance. Statutory guidance and the regulations have been followed by all parties.
22. The Decision Maker should consider the views of all those affected by the proposals and 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.

Equalities and Diversity

23. There are no direct equalities implications arising out of the proposal. The Governing Body are not proposing to alter the Admissions Arrangements and therefore places at Stanwell Fields will continue to be open to all applicants, with the highest priority given to Looked After Children and pupils on the SEN register and/or those who would benefit from a statement of educational need, thus supporting provision for our most vulnerable children.

WHAT HAPPENS NEXT:

- If the decision is taken to approve the change of category to Voluntary Aided the Governing Body, as the proposers, are under a statutory obligation to implement the change of category without undue delay. They must notify the Department for Education.

- If the Cabinet Member for Schools and Learning determines not to approve the change of category to Voluntary Aided the Governing Body has the right to appeal to the Local Authority within four weeks of the notification of the decision. On receipt of an appeal the Local Authority must then send the proposals and the representations received (together with any comments made on these representations by the proposers) to the Schools' Adjudicator within one week of receipt of the appeal. The Local Authority should also send a copy of the minutes of the Cabinet Member's Decision Making Meeting and any relevant papers.
- The outcome of the Cabinet Member's decisions will be communicated to the school by telephone and /or email immediately after the meeting. The decision will also appear on the SCC website within 5 days of the decision. The Governing Body will communicate the decision to parents and other stakeholders.

Contact Officer:

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Consulted:

Parents of pupils on roll at Stanwell Fields School, staff and governors of the school, London Diocesan and Surrey County Council officers, local primary schools, Trade Unions and staff professional associations, the local Member of Parliament, Spelthorne Borough Council, the Parochial Church Council of St Mary's Church, Stanwell, local County Councillor and Borough Councillors, Other Parties Interested in the School

Annexes: None

Sources/background papers:

Making Changes to a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies
School Organisation – Statutory Guidance January 2014
Minutes of the Governing Body of Stanwell Fields' ratification meeting
School Consultation Document, copies of the consultation responses, notes of the parents' meetings, Form 18 – financial statement

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