

CHESHIRE EAST COUNCIL

CABINET MEMBER FOR CHILDREN AND FAMILIES

Date of Meeting:	1 July 2013
Report of:	Tony Crane, Director of Children's Services
Subject/Title:	Woodcock's Well CE Controlled Primary School: Proposed Change to Aided status
Portfolio Holder:	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 The regulations set a strict time limit for the Council to exercise its decision making powers, which if not exercised lie with the schools adjudicator. In this case the last possible date for a Council decision is 9 July. The agreed date for Portfolio holder decision was 1 July, but unfortunately the item was omitted from the published agenda. The school governing body has set its own timetable for the required follow up actions before the end of this school term in the event their proposal (which has attracted no objections) is approved, so that these are in place for the beginning of the new school year in September. A referral to the adjudicator will delay the decision, which would be unhelpful to the school. On this basis it is suggested the item is placed as an urgency item on the agenda for 1 July.
- 1.2 The Governing Body of Woodcock's Well CE Controlled Primary school has brought forward proposals as allowed for under the terms of the Education and Inspections Act 2006 that it should become a Church of England Aided school with effect from the 1 September 2013. The relevant statutory regulations for consideration and decision are as detailed in The School Organisation (Prescribed Alterations to Maintained Schools) (England) regulations 2007.
- 1.3 The regulations require the Local Authority to make the decision on the proposal. The decision may be to approve, approve with modification or conditionally, (provided there is first consultation with the governing body and the reasons are as allowed for in the regulations), or to reject the proposal..
- 1.4 In the event no decision is made by the local authority within the time allowed, the matter is referred to the Schools Adjudicator who may also consider any appeal made by the governing body and/or the Diocese against the Council decision.
- 1.5 If approved, there is a duty and requirement on the Council to undertake relevant notifications and to make a new Instrument of Government.

2.0 Decision Requested

- 2.1 The Portfolio Holder, Children and Families, is requested to approve without modification the proposal from the Governing Body of Woodcock's Well CE Controlled Primary School that it become Church of England Aided with effect from 1 September 2013, and that Officers are authorised to take the actions required for implementation as required in the regulations.

3.0 Reasons for Recommendations

- 3.1 The Governing Body proposal has met the relevant procedural legal requirements in the regulations in framing and publishing their proposals, and in making the notifications and undertaking the consultations required, and has the full support of the Diocese of Chester, who have advised and supported them. Feedback from staff, parents and the local church and community has been supportive, and of 19 questionnaires returned to governors, 18 supported the conversion to Aided status, with one respondent "not sure".
- 3.2 There is no evident objective basis for rejecting the request, or seeking any modification or imposing any condition on approval. The regulations allow for these only on certain limited criteria e.g. requirement for planning permissions, a new site, or building project, none of which apply in this case. Further the school, as required, has demonstrated it has made additional financial budgetary provision to be able to meet the necessary 10% contribution to building maintenance or any capital programme, although it is acknowledged this is an on-going challenge and concern for all, or almost all, Aided schools in England.

4.0 Wards Affected

- 4.1 Odd Rode

5.0 Local Ward Members

- 5.1 Councillors Rhoda Bailey and Andrew Barratt

6.0 Policy Implications

- 6.1 There are no policy implications for the Council, which will retain responsibility for monitoring standards at the school, and relevant intervention powers should concerns arise.

7.0 Financial Implications

- 7.1 A revaluation of the playing fields will need to be undertaken for entering on the Council's asset register for 2013-14 year end accounts, and an associated adjustment to allow for the land (playing fields excepted) and buildings no longer being a Council asset.

8.0 Legal Implications

- 8.1 The School Organisation (Prescribed Alterations to Maintained Schools Regulations 2007) provide that a change to the category of a school from voluntary controlled to voluntary aided status requires proposals to be brought forward by the governing body of the school and for the local authority to make a decision on those proposals.
- 8.2 A change to aided status will result in several changes: a TUPE transfer of staff from the Council to the governing body; a requirement that the Religious Education curriculum is that set by the Diocese, rather than the Cheshire East SACRE; the governing Body becomes the Admissions Authority for the school.; a new governing body will be constituted for the 1 September 2013, and the Council will make a new Instrument as requested by the outgoing governing body, subject it that being in line with the 2012 School Governance Constitution Regulations; and the land and buildings valuation will be removed from the Council's asset register, although the Council will retain ownership of the playing fields.

9.0 Risk Management

- 9.1 The last Ofsted report, in November 2010, judged the school as good, and it is not currently identified by the Authority as requiring any intervention, nor are there any leadership or staff changes that would arise as a consequence of a change of status, save for governing body reconstitution. This will result in an increase in foundation governors appointed by the Diocese and the Parochial Church Council, but there is no reason for this to raise any risk to leadership capacity; rather it may strengthen relationships with the Church, which is the main declared motivation for the desire to change status in any case.
- 9.2 No change in Admissions criteria is currently proposed, and any change in the future will need to comply with national codes of practice.

10.0 Background and Options

- 10.1 The change to Aided status from Controlled is understood to be part of a wider trend encouraged by the Diocese of Chester and other Church of England Diocesan Bodies, and to a degree increases the relative autonomy and responsibility of the school for its own direction, in line with other national education policy. However, to date no other Controlled school governing body in Cheshire East has notified the Council of a desire or intention to bring forward similar proposals.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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