

Proposed change of designation, of Church End Lower School, from a Foundation school to a Church of England Voluntary Controlled School

Report of Cllr Steve Dixon, Executive Member for Families, Education and Children (steven.dixon@centralbedfordshire.gov.uk)

Advising Officer: Sue Harrison, Director of Children's Services
(sue.harrison@centralbedfordshire.gov.uk)

This report relates to a non-Key Decision

Purpose of this report

1. To seek Executive support for the application from Church End Lower School, Marston Moretaine to the Department for Education (DfE), under Section 10 of the Education and Inspections Act 2006, as amended by the Education Act 2011, for a change of designation from a Foundation school to a Church of England Voluntary Controlled School.
2. If supported the Section 10 application will be submitted by the school to the DfE for consideration. If approved by the DfE a further statutory consultation by the school will commence.
3. The school referred to within the report serves the Ward of Cranfield and Marston Moretaine.

RECOMMENDATIONS

The Executive is asked to:

1. To note the favourable responses to the preliminary consultation carried out by the school and support the application from Church End Lower School to the DfE for the consideration of a change of designation from a Foundation school to a Voluntary Controlled school.
2. Subject to approval by the DfE, Executive are asked to support the statutory process to be carried out by the school, which will

require publication of a statutory notice followed by formal consultation of at least four weeks

- 3. Approve that determination for the proposed change of designation be made by the Executive Member for Families, Education and Children, if responses to the formal consultation are favourable. If responses to the formal consultation are not favourable determination to be made by the Executive.**

Children's Services Overview and Scrutiny

4. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 22 May 2018 and the Committee was asked to indicate its support for the recommendations set out within the report. The views of the Committee will be reported at Executive.

Background

5. In January 2018 Church End Lower School submitted a Section 10 request to Central Bedfordshire Council to support its application to the DfE for a change of designation from a Foundation School to a Voluntary Controlled School, as part of the Diocese of St Albans Board of Education (Appendix A). The Section 10 application, part 6, requires the school to seek the support of the local authority for the change, before consideration by the DfE.
6. The DfE usually expects changes to a school to be in the form of an academy conversion. However, the governors of Church End Lower School have considered that there is no significant demand for the school to seek Academy status from any stakeholder group. The school has met with Academy Headteachers and Governors and it was concluded that becoming an Academy was not right for the school at this stage.
7. For the school to change designation it will need to close as Church End Lower School (Foundation) and open on the following day as a new voluntary controlled school. The Governors of the school propose the new school to be named Marston Moretaine Voluntary Controlled Church of England School. The date for the proposed changes are subject to the DfE's timetable for a decision regarding the Section 10 application, a further statutory consultation and Executive approval if the responses are not favourable. The school have indicated a

preference for closure of Church End Lower School (Foundation) on the 31 December 2018 and to open as Marston Moretaine Voluntary Controlled Church of England School on the 1 January 2019.

8. Church End Lower School operates over two school sites, Church End and Forest End. The school was expanded by 1 form of entry in September 2014 at the new Forest End site and as part of phase 2 it is currently being expanded by a further 1 form of entry for September 2018. The school's total capacity in September 2018 will be 600 pupils for Reception Year to Year 4.
9. The expansion of the school over two sites is the result of Marston Moretaine seeing a considerable level of housing growth. The school does not plan to change its catchment which will remain as Marston Moretaine and the immediate surrounding area. The admissions policy for the school will remain unchanged. Any future changes proposed in the admissions policy will need to undertake a further consultation as outlined in the Schools Admission Code.
10. If the proposal is implemented for 1 January 2019, the school will cease to be a Foundation school with the staff group employed by the Governing Body and become a Voluntary Controlled School with the staff group employed by Central Bedfordshire Council. The school buildings and the school playing fields will transfer from the Governing Body to the Diocese. The school will remain as a maintained school and Religious Education will continue to follow the Local Authority Agreed Syllabus.
11. The key differences for Church End Lower as a Foundation School and a Voluntary Controlled School are:-

Foundation School	Voluntary Controlled School
Playing fields and buildings owned by the School/governing body	Playing field and buildings owned by the Church of England Diocese
School staff employed by the Foundation	School staff employed by the Council
Admissions Authority is the governing body	Admissions authority is the Council
Governance - 5 parent governors, 1 LA governor, 1 staff governor, 1 headteacher, 4 co-opted governors and 2 partnership governors.	Governance - governing board will cease to have partnership governors and, instead, will be required to have at least two foundation governors but not more than a quarter of the total.

Preliminary consultation responses

12. Church End Lower School launched a preliminary consultation between November and December 2017. (Appendix B) Consultees included parent/carers, staff, the wider community and a range of stakeholders (as per DfE guidance) including Members and Officers of Central Bedfordshire Council. All Central Bedfordshire schools were also advised of the consultation and invited to respond.
13. The school facilitated four public meetings as part of the preliminary consultation and representatives of the Diocese and school governors addressed key stakeholders.
14. The school received a total of 86 responses to the preliminary consultation of which:-

Responses	Percentage
Support the proposal	91%
Opposed the proposal	2%
Neither supported or objected	7%

15. Those in support of the proposal felt it would a '*positive step for the school and children*' and that '*the school should not academise*'. A summary of the responses is in Appendix A.
16. Those who objected to the change of designation stated they did not believe in church based schools and preferred the school to remain as a foundation school.

Reasons for decision

17. Church End Lower School is a successful school, Ofsted inspected on the 4 December 2016 and judged it as a good school. Currently pupils progress is good for almost all groups.
18. The school has been expanded over 2 phases and remains popular with parents and carers in the catchment and further afield. Housing around the school continues to be built and occupied and the school is likely to fill, subject to the rate of housing completions.
19. The preliminary consultation indicated a favourable response to the proposal. The school is currently a feeder school for Holywell Church of England Academy which is part of the Diocese of St Albans.
20. The school governors have been considering this proposal since 2011 and weighed the benefits of a change of designation against academisation.

21. The pupil yield from the new housing developments within the area is likely to increase demand for school places and the need for school places is unlikely to change over the next 5 years.
22. Subject to support from the DfE for the Section 10 application, favourable responses to the school's statutory consultation, and subsequent approval from either the Executive Member for Families, Education and Children or the Executive, the Governing Body propose to change designation on the 1 January 2019.

Council Priorities

23. The proposal supports the following Council priority:
 - Improving Education and Skills.

Legal Implications

24. It is not possible for an existing school to make any change to its religious character. Instead the local authority or governing body must publish a proposal, via a statutory notice ,to close the existing school, and a faith organisation, as proposer, must issue a 'related' proposal, via a statutory notice, to establish a new voluntarily school with a religious character. This can be done by either gaining the Secretary of States consent under Section 10 or as a special case under Section 11 of EIA 2006.
25. The main legislation governing school organisation is found in sections 6A-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
26. Department for Education Guidance for proposers and decision makers regarding school organisation in maintained schools was published in April 2016 to support the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
27. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
28. All decisions on proposals to either open or close a maintained school must be based on the factors within the guidance as set out in the link in paragraph 26, following the statutory 5 stage process.

Financial Implications

29. There are no financial implications for the Council arising out of a decision to support the applications from the school to the DfE. If the

DfE approve the Section 10 application and the responses to the statutory notice are favourable and the Council's Executive Member for Families, Education and Children determines the proposal to a change in designation, there will be financial implications for the school and the governing body.

30. There are no additional pension costs arising from a change of designation as the school will continue to be Maintained by the Council and employee will remain eligible to contribute to the LGPS and Teachers' Pension Schemes. The Council will continue to be responsible for the monthly return of Teachers' Pension service.
31. The school will continue to receive Payroll and HR provision from external providers.
32. The staff, who are currently employed by the Governing Body of Church End Lower School, will need to be transferred to the employment of the Council. This will need to be managed in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended 2014). This process will need to be managed by the Governing Body of the School (the Transferor) and the Council (the Transeree) and supported by each organisations HR provision.
33. As a Maintained Voluntary Controlled School any reductions in staffing will be managed in accordance with the CBC Redundancy Policy for Schools (as adopted by the Governing Body of the School).
34. Redundancy payments for Maintained Voluntary Controlled schools are calculated based on actual weekly pay as opposed to calculated in accordance with statutory maximum weekly pay (currently £508 per week) for Foundation Schools, therefore the change of designation will result in an increase in redundancy liability cost to the Council should staffing reductions be required after a change of designation.
35. Any dismissals made by the school (for redundancy or other reasons) will be a dismissal from CBC as the employer and therefore has the same associated employer risk as all CBC Maintained Community and Voluntary Controlled Schools.
36. There are no envisaged capital costs to the Council arising from this application and if approved the change in designation. The school buildings and the school playing fields will transfer from the Governing Body to the Diocese.
37. Although there are no pensions issues specifically arising, any transfer of staff to the Council would potential leave the Council liable for any future redundancy costs.

Equalities Implications

38. The consultation and decision-making process set out in regulation for schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.
39. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
40. This statutory duty includes requirements to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low
41. The proposal is not envisaged to have an adverse impact on any of the listed groups below:-

• Sex	N/A
• Gender Reassignment	N/A
• Age	N/A
• Disability	N/A
• Race & Ethnicity	N/A
• Sexual Orientation	N/A
• Religion or Belief (or No Belief)	Parents of children will have the option to opt out of religious activities at the school
• Pregnancy & Maternity	N/A
• Human Rights	N/A
• Other Groups (rural isolation etc.)	N/A

Risk Management

42. Key risks include:
- Failure to discharge legal and statutory duties/guidance.
 - Failure to deliver the Council's strategic priorities

- Reputational risks associated with the non-delivery of required school places.

Appendices

The following appendices are attached:

Appendix A

Section 10 application form

Appendix B

Consultation on Church End Lower School gaining a designation as a Church of England School and becoming a Church of England Voluntary Controlled Lower School

Background papers

None

Report author(s):

Victor Wan, Head of School Organisation, Admissions and Capital Planning (interim)

APPENDIX A

Section 10 Application Form

**APPLICATION FORM TO APPLY TO THE SECRETARY OF STATE FOR
CONSENT TO THE PUBLICATION OF PROPOSALS FOR A NEW
MAINTAINED MAINSTREAM OR SPECIAL SCHOOL UNDER SECTION
10 OF THE EDUCATION AND INSPECTIONS ACT 2006, AS AMENDED BY
THE EDUCATION ACT 2011.**

**Please complete all relevant sections and submit to the School Organisation
Team mailbox at: schoolorganisation.notifications@education.gov.uk**

1. Details of proposer and proposed school including:	
Title of proposing body	Church End Lower School Governing Body and the Diocese of St Albans Board of Education
Local authority area:	Central Bedfordshire
Site details (e.g. single/split site, freehold/leasehold tenure):	Split Site
Postal address:	Site 1 Church End Lower School Church Walk Marston Moretaine Bedford MK 43 0NE Site 2 Forest End Great Linns Marston Moretaine Bedford MK 43 0DD
Age range:	3 – 9
Number of pupils to be provided for, including details of any nursery (full-time equivalent places), SEN, boarding or sixth form provision:	Total Capacity 600 pupils (Year R to Year 4) + 96 FTE Nursery places
Category (Community/Community Special/Foundation/Foundation Special/Voluntary Controlled):	Current – Foundation Proposed – Voluntary Controlled
Proposed opening date:	01 January 2019
Proposer other than the LA	Church End Lower School Governing Body and the Diocese of St Albans
Proposed religious category (if any):	

	Church of England Voluntary Controlled School
Ethos:	Anglican VC Community School
2. Please give the reason(s) why you feel an Academy cannot meet the need for the new provision:	
<p>Church End Lower School is a successful and expanding school located in the Central Bedfordshire village of Marston Moretaine. At the end of Year 4 pupils move on to their respective middle school; the majority attending Marston Vale Academy and a significant minority, Holywell Church of England Academy.</p> <p>The Central Bedfordshire educational landscape is based on a three tier structure. Over the past few years this has started to fragment as a number of schools have chosen to expand their age range, preferring a two tier primary/secondary structure. Included in this are a number of Multi-Academy Trusts as well as stand-alone academies. In our particular nine school pyramid, four schools are academies, either independent or part of a MAT, one school is hard federated with a school located in another pyramid with the remainder all community or foundation schools. This, combined with four of our pyramid schools located within the Borough of Bedford, makes our local context complicated.</p> <p>School Governors have spent considerable time since 2011 considering the best future direction for the school; this has included becoming an Academy. School Governors do not consider that there is any significant demand for the school to seek Academy status from any stakeholder group. Having met with Academy Headteachers and Governors, it was concluded that becoming an Academy was not right for the school at this stage.</p> <p>During the Autumn 2017, the Governing Body took the decision to propose, and consult on becoming a Church of England Voluntary Controlled School.</p>	
3. Would you consider converting the school to an Academy in the future if it satisfied the relevant criteria?	
<p>Of the five Central Bedfordshire Schools within our pyramid, the two largest are stand-alone Church of England Academies. It is anticipated that housing growth in this area will be considerable; potentially resulting in capacity issues at nearly all schools. It is anticipated that this growth will result in the expansion of existing schools, possibly onto second school sites, following the model that has so successfully been applied to Church End. Therefore, Governors have a strong desire to be part of the solution to on-going structural problems which ultimately impact on standards and the life chances of the pupils in our care.</p> <p>Church End is committed to developing local solutions and believes that this is best achieved through close partnership with other schools. To achieve this aim Governors have not ruled out the possibility of working with other schools, which share our vision, in creating a MAT primarily supporting our local community. It is our firm belief that being</p>	

part of a bigger educational family enables our pupils, their families and school staff access to advice, support and resources which will add to the educational experience we are able to provide. By joining the Church of England family of schools we will be working with other local schools which share our educational vision and promote our values.

4. (Local Authority only) Statement on any consultation carried out to ascertain interest by an Academy provider, or justification for not carrying out such consultation:

In November 2017 the Governing Body of Church End Lower School and The Diocese of St Albans Board of Education began a six week consultation process.

Stakeholders included ... parents and carers; all employees; all Central Bedfordshire Schools; all pyramid schools and the wider local community.

This process included four public meetings providing opportunity to all concerned to ask questions, seek clarification and express their views.

5. Evidence of levels of parental demand for this category of school as opposed to an Academy:

The response to our proposal was overwhelmingly positive...

91% of respondents supported the proposal

2% of respondents opposed the proposal

7% of respondents neither supported nor objected to the proposal

6. Brief details of main reason for the proposed new school (e.g. new housing development, population growth, amalgamation/reorganisation, falling roles/surplus places, head teacher(s) retiring) including any particular local circumstances appropriate to the application and local authority support:

The past few years has seen considerable housing growth within, and around the village. It is anticipated that this will continue for the foreseeable future.

The 'new' school would have a ...

Total Capacity 600 pupils
(Year R to Year 4)

+ 96 FTE Nursery places

7. Will the school replace an existing school or schools? If so, provide details of the closing school(s) (e.g. Postal address; Number of Pupils; Age range; Category) and proposed date for closure:

Yes.

The closing school will be Church End Lower School (Foundation)

Site 1 Church End Lower School
Church Walk
Marston Moretaine
Bedford MK 43 0NE

Site 2 Forest End
Great Linns
Marston Moretaine
Bedford MK 43 0DD

It currently has a total capacity of 450 pupils (Year R to Year 4)
+ 72 FTE Nursery Places

The proposed date of closure is 31st December 2018

The proposed name of the new school is **Marston Moretaine Voluntary Controlled Church of England School**. It would continue to operate as a split site school occupying the same site mentioned previously.

It is proposed to open on 01st January 2019

8. Statement on how the school will contribute to raising standards, including how it is proposed it will network with other schools in the area:

The new school would primarily continue to serve the village of Marston Moretaine and the immediate surrounding area. It would replace Church End Lower which would close on 31st December 2018.

By joining the Church of England family of schools we will be working with other local schools which share our educational vision and promote our values. In so doing, it is our belief that this will provide our pupils with the best opportunity to thrive, aspire to the very highest possible standards and go on to successfully contribute to their local and wider community.

Our existing school was inspected by Ofsted in November 2016. The report recognises that our leadership team 'plan for continuous improvement and are outward-looking and visionary'. The report recognises that attainment is above average.

The school already works closely with our pyramid of schools; encouraging and developing innovative approaches to liaison and assessment moderation. The school has an 'open door' policy in all aspects ranging from supporting Governance and Headteacher Mentoring to Initial Teacher Training. The school is actively involved in working with The University of Bedfordshire and both the Headteacher and the Deputy Headteacher are part of the Central Bedfordshire LSCB.

The school is looking forward to developing a strong and successful partnership from within the Diocesan family of schools.

10. Views of local community - evidence of informal or statutory consultation, copies of any consultation documents, notes of meetings and feedback received (please list any documents attached):

The consultation process ran for six weeks between November and December 2017. Consultation documents were sent to all existing families, all staff and the immediate and wider community. The school received 86 responses of which ...

91% of respondents supported the proposal;
2% of respondents opposed the proposal;
7% of respondents neither supported nor objected to the proposal.

In addition the school hosted four public meetings which were attended by parents, staff, residents, School Governors and the Director of Education from the Diocesan Board of Education.

The school employs 83 members of staff the majority of which were supportive of the proposal.

Some of the comments made by respondents were as follows ...

'I think this would be a very positive move for the school and the children within it'.

'I fully support the school in seeking designation as a Church of England School'.

'I strongly agree with this proposal and believe this would be so beneficial to the children and community'.

'Definitely! Fabulous idea'.

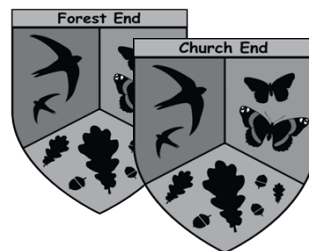
'I don't think that the school should academise either'.

11. Contact details:

Name:	Brian Storey
Address:	Church End Lower School Church Walk Marston Moretaine Bedford MK43 0NE
Date:	10.01.2018
Tel No:	01234 768271
Email:	churchend@cbc.beds.sch.uk

APPENDIX B

Church End Lower School
Marston Moreteyne School
Church Walk
Marston Moreteyne
Bedford MK43 0NE



Tel: 01234 768271

E.mail: churchend@cbc.beds.sch.uk

Website: www.churchend.beds.sch.uk

1847

Headteacher: Mr Brian Storey
the Month: **Curiosity**

Value of

Consultation on Church End Lower School gaining a designation as a Church of England School and becoming a Church of England Voluntary Controlled Lower School

Dear Parent/Carer

The Governing Body of Church End Lower School and The Diocese of St Albans Board of Education are writing to you to seek your views as to whether Church End Lower School should seek designation as a Church of England School.

As you may be aware the educational landscape in England has changed dramatically over the past six years with the rapid expansion of the Academy programme, including Multi-Academy Trusts and the introduction of state funded Free Schools. This change has coincided with a dramatic decline in the ability of Local Authorities to support and influence their schools, with services previously offered, being considerably diminished with the squeeze on public sector finances. Over this period the Church End Governing Body, has considered these options and concluded, for a variety of reasons, that becoming an Academy or joining a Multi-Academy Trust is not the right future direction for our school.

It is our firm belief that being part of a bigger educational family enables our pupils, their families and school staff access to advice, support and resources which will add to the educational experience we are able to provide. By joining the Church of England family of schools we will be working with other local schools which share our educational vision and promote our values based ethos.

The implications for Church End Lower School of assuming a designation as a Church of England School are as follows:

- The school will be designated as a Church of England School, under the umbrella of the Diocese of St Albans;
- The school will be subject to an additional inspection process, as a church school, under SIAMS (Statutory Inspection of Anglican and Methodist Schools);
- The school buildings will transfer from the current ownership of the Local Authority to the Diocese whilst school land will transfer from the Governing Body to the Diocese;
- Religious education will continue to follow the Local Authority Agreed Syllabus;
- Collective Worship will continue to be broadly and mainly Christian;
- 2 Foundation Governors will be appointed to represent the Church of England on the Governing Body alongside existing Parent, Staff Community and Local Authority Governors;
- The admissions policy will remain unchanged;
- The School will have access to support, advice, courses and professional advice from the Diocesan Schools team and its team of 25 educational consultants;
- The School will continue to have a close working relationship with the Local Authority who will continue to maintain the school;
- The School will become part of a network of 136 Church Schools across Hertfordshire, Bedfordshire, Luton, Barnet and Buckinghamshire.

The Diocese of St Albans Board of Education has been in discussion with the school governing body for a period of 18 months exploring what it would be like for Church End Lower to assume a religious designation and become a Voluntary Controlled Church of England School. The Board of Education is committed to providing community focussed schools that serve the common good where education is delivered in a caring context and through shared Christian values.

The purpose of this document is to seek your view on whether Church End Lower School should seek designation as a Church of England Lower School. Apart from this consultation letter, there will be the opportunity to attend consultation events where the process and implications can be explored in more detail. These will be held on:

Tuesday 7th November at Forest End at 2.00 p.m. and 6.00 p.m.

Thursday 9th November at Church End at 2.00 p.m. and 6.00 p.m.

It would be helpful if you could either email or return the attached slip in order for us to prepare appropriately. The meetings will last for approximately an hour.

We look forward to hearing your views,

Yours sincerely

Mr P Neale
Chair of Governors

Mr B Storey
Headteacher

It would be helpful if, when you have gathered all the information you require, you could respond to the following question:

'Should Church End Lower School seek designation, as a Church of England School, becoming a Voluntary Controlled Lower School?'

YES		NO		DON'T KNOW	
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Comments:

Please provide contact details only if you would like someone to contact you to discuss your query/question further.

Name:

Contact details:

Please return your response to the school as soon as you feel able to respond, but no later than Friday 8th December when the consultation period ends.

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Consultation on Church End Lower School gaining a designation as a Church of England School and becoming a Church of England Voluntary Controlled Lower School

It is our intention to attend the meeting as shown.
(Please circle/delete as appropriate and return to the school as soon as possible)

Tuesday 7th November at **Forest End** at either 2.00 p.m.
or 6.00 p.m.

and/or

Thursday 9th November at **Church End** at either 2.00 p.m.
or 6.00 p.m.

Name: Please reserve seats.