

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
may be filmed.\***



**Central  
Bedfordshire**

**please ask for** Sandra Hobbs

**direct line** 0300 300 5257

**date** 11 March 2019

## **NOTICE OF MEETING**

### **DELEGATED DECISIONS BY THE EXECUTIVE MEMBER FOR FAMILIES, EDUCATION AND CHILDREN ON SCHOOL AGE RANGE PROPOSALS**

Date & Time

**Wednesday, 20 March 2019 at 12.00 p.m.**

Venue at

**Room 15, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Executive Member for Families, Education and Children:

Cllr Steven Dixon

All other Members of the Council - on request

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MEETING**

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# AGENDA

1. **Members' Interests**

To receive from Members any declarations of interest.

2. **Public Participation**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

## Reports

**Item      Subject**

3. **Determination of the Proposal to Change the Age Range of Templefield Lower School, Flitwick from 4-9 to 2-9 years of Age**

To approve the change of age range for Templefield Lower School, Flitwick following a positive response to both parts of the consultation process.

4. **Determination of the Proposal to Change the Designation of Church End Lower School, Marston Moretaine from a Foundation School to a Church of England Voluntary**

To approve the change of designation for Church End Lower School, Marston Moretaine from a Foundation School to a Church of England Voluntary Controlled.

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## Central Bedfordshire Council

Delegated Decision Meeting  
Executive Member for Families, Education and Children

20 March 2019

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### **Determination of the Proposal to Change the Age Range of Templefield Lower School, Flitwick from 4-9 to 2-9 Years of Age**

Report of Sue Harrison, Director of Children's Services  
([sue.harrison@centralbedfordshire.gov.uk](mailto:sue.harrison@centralbedfordshire.gov.uk))

Advising Officer, Victor Wan, Head of School Organisation and Capital Planning  
[victor.wan@centralbedfordshire.gov.uk](mailto:victor.wan@centralbedfordshire.gov.uk)

**This report relates to a non key decision**

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#### **Purpose of this report**

1. To report to the Executive Member for Families, Education and Children the proposal to change the age range of Templefield Lower School, Malham Close, Flitwick Bedfordshire, MK45 1AJ and the responses received to both the preliminary and statutory consultation regarding the proposal.
2. To approve the change of age range for Templefield Lower School, Flitwick following a positive response to both parts of the consultation process.
3. To determine the implementation date for the change of age range for September 2019.

#### **RECOMMENDATIONS**

**The Executive Member for Families, Education and Children, to approve the statutory proposal to change the age range of Templefield Lower School, Flitwick with an implementation date of September 2019.**

#### **Background**

4. The Council was first approached by Templefield Lower School in July 2018 regarding a request to assist with the launch of a preliminary consultation for their proposal to change the age range of the school in order to enable a merger between the school and Windmill Pre-school, a committee run, early years provision that operates out of an independent facility on the school site.

5. The objectives of the proposed change of age range and subsequent merger with the pre-school included -
  - The opportunity to increase parental choice for seamless education for 2 – 9 within the town.
  - To provide fully integrated provision with opportunities for pre-school children to utilise all of the school's facilities.
  - Closer working relationships between the staff working across the age range.
  - Further access to early support and interventions for those children with additional needs.
  - Access to before and after school care provision for parents of pre-school children.
  - Enabling the pre-school to utilise the services of the School Business Manager, giving the Pre-school Manager more time to focus on teaching and learning.
  - Greater job security for current members of staff at the pre-school who would be employed.
6. The revised guidance published by the Department for Education (DfE) on 25 October 2018 confirmed the four-stage statutory process to be followed for making a prescribed alteration to a community school. (Previous guidance issued by the DfE in April 2016 had removed the ability for governing bodies of maintained community schools to propose, consult and determine a change of age range for their school without the local authority's approval)
7. The four-stage statutory process for facilitating a change of age range for Templefield Lower, which is a community lower school, is as follows:-
  - I. Publication of statutory notice by the local authority
  - II. Representation period / formal consultation
  - III. Determination by the local authority
  - IV. Implementation
8. Prior to the commencement of the four-stage statutory process however, the DfE expects that the proposer will consult interested parties in developing their proposal prior to publication. The Governing Body of Templefield Lower School and the Committee of Windmill Pre-school therefore carried out a joint preliminary consultation to gauge the level of support for the proposal.

9. The DfE's guidance for 'Making significant changes ('prescribed alterations') to maintained schools', 25 October 2018, can be viewed at: <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

### Consultation responses

10. The joint preliminary consultation ran from 1 October to 6 November 2018, during which two drop-in sessions were held at the school. A list of stakeholders who should be consulted was provided to the school by the council. The list included parents/carers, staff, governors and trade union representatives. Council Officers also helped by notifying all schools within Central Bedfordshire, local Ward Members, the local Town Council and the local Diocese of the consultation.
11. A total of 28 written responses were received; 17 from parents, 7 from employees of Windmill Pre-school and 4 from staff and governors of Templefield Lower School.
12. Comments received included -
- Upon hearing the details of the merger, I feel it will be of benefit to children in Windmill, still providing a nurturing environment whilst merging the facilities of the school and providing a smooth transition for starting Templefield. *(Windmill Pre-School parent)*
  - As a parent I think the merger is a good idea for all and the future of Windmill. *(Templefield parent)*
  - I would like to express my full support for the proposal. I consider that such a move would be a positive one with clear benefits for pre-school and school. *(Windmill Pre-School employee)*
  - I feel that the merger would be a positive change for pre-school, offering a more secure future for our setting. *(Windmill Pre-School employee)*
  - I feel that the merger will be excellent for transition, both socially and academically. *(Templefield employee)*

13. Concerns about the future structure of the pre-school, the numbers of pre-school children and the impact on job roles were raised, and in response to these the school was able to clarify –
  - As part of the merger, the governing body will take over the management of the pre-school from the committee. The day-to-day operations will continue to be run by the pre-school manager and the daily routines will remain the same
  - There are currently no plans to increase the number of pre-school children admitted into each session
  - The intention is that employees working for Windmill Pre-School will transfer to become employees of Templefield Lower School in accordance with the TUPE Regulations 2006.
14. As a result of the level of support demonstrated during their preliminary consultation, the Governing Body of the school and the pre-school Committee voted unanimously to proceed with their proposal.
15. In November 2018, a request was submitted to the Council asking that the change of age range be considered and a formal consultation be launched. The request was considered by the Director of Children's Services and the launch of the statutory consultation was dully approved under delegation.
16. A formal consultation was launched by the Council on 3 January 2019 by the publication of a statutory notice and a full proposal. The consultation ran for 4 weeks and closed on 31 January 2019.
17. An on-line facility was provided on the Council's website for responses and a total of 14 responses were received.
18. Of the 14 responses received, 9 expressed their support for the proposal and 5 were against. Comments in support of the proposal included appreciation for the nurturing environment provided by the pre school and a hope that the school would continue with the excellent work that the pre-school currently does.
19. The few coments expressed against the proposal included a preference for play groups, which allow parents to meet each other better than they do in a school, and the danger of introducing children to mainstream school too soon.

### **Reasons for decision**

20. The recommended approval for the proposed change of age range for Templefield Lower School is to ensure that the Council continues to meet its obligation ensuring there are adequate early years places and also to meet the legal requirements placed on the Council by the Education and Inspections Act 2006.
21. The proposal has the support of the Council's Childcare Development Team who have worked with both the school and the pre-school in order to help bring about the merger.
22. Templefield Lower School is an Ofsted 'good' school.
23. If the Executive Member approves the proposal, this will be implemented from September 2019.

### **Council Priorities**

24. The report supports the following Council priority:-
  - Improved Educational Attainment

### **Legal Implications**

25. The main legislation governing school organisation is found in sections 7-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) (England Regulations 200713 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 200713.
26. DfE regulations and guidance outline the requirements and process for proposals to change age range at Council maintained schools and these include full public consultation, the publication of statutory proposals and the decision-making process. The Council is the decision maker for a proposal relating to a maintained school, which is set out in this report.
27. The Executive Member is authorised, under delegated authority in the Constitution (Part 3A, Paragraph 6), to exercise the Council's duty to determine proposals to alter the upper and lower age range of pupils in schools. As decision maker he must be satisfied that the proposals have followed due process and must also have regards to statutory guidance.
28. In exercise the decision the Executive Member is to take particular account of:
  - Statutory and nonstatutory guidance and the key factors for decision makers
  - The Admissions Code
  - Full consideration of the budget implications

29. In reaching a decision, the Executive Member must have regard to the views of the ward Member(s) who must be invited to attend the meeting at which the Executive Member takes the decision.
30. The decision must be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules (Part 4F of the Constitution).
31. As decision maker for the statutory proposal reflected in this report the Executive Member must determine whether to:-
  - Reject the proposal
  - Approve the proposal
  - Approve the proposal with a modification (e.g. the implementation date)
  - Approve the proposal subject to them meeting a certain condition.
32. In any case the proposal must be determined within two months of the close of the representation period, otherwise the proposal will be referred to the Schools Adjudicator. The representation period/statutory consultation closed on 31 January 2019.

### **Financial and Risk Implications**

33. There are no capital implications for the Council arising as a result of the proposals set out in this report.
34. The day to day running costs of the school are met through revenue funding which is made available to each school as part of the dedicated schools grant, calculated on a per pupil basis. Nationally, School and Academy revenue budgets are set in line with the School and Early Years Finance Regulations 2013 which uses October school census data of pupil numbers accommodated at that moment in time to calculate the budget for the following financial year, for Council maintained schools, and the following academic year for Academies.
35. A greater number of pupils in the school roll would result in a stronger financial base for the school.
36. If the proposal is determined in favour of the change of age range, the school will require additional staff. Staff from Windmill Pre-school will be transferred to the employ of the school in accordance with TUPE regulations.

## Equalities Implications

37. The consultation and decision-making process set out in regulation for proposals to maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.
38. 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.
39. This statutory duty includes requirements to:
- i. Remove or minimise disadvantages suffered by people due to their protected characteristics.
  - ii. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - iii. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
40. The proposed change of age range at Templefield Lower School 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)	N/A
Pregnancy & Maternity	N/A
Human Rights (Please see articles in toolkit)	N/A
Other Groups (rural isolation etc)	N/A

## Risk Management

41. The proposal set out in this report has been developed and evaluated against the key criteria for decision makers that are outlined in guidance. Likewise, the proposal has followed the procedures set out in regulation. This mitigates the risk on the Council of failing to comply with the relevant statutory requirements.

42. The key risks mitigated by the process that has been followed 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.
  - Financial risks, including significant capital commitment to the Council, and the consequential additional running costs that will be borne by the schools.
43. If approved, the Governing Body of Templefield Lower School will develop and implement change management plans that will include risk assessment and management criteria to ensure the effective delivery of the objectives set out in the proposal document.

### **Conclusion and next Steps**

44. The recommendation is for the Executive Member to determine the proposal through delegated authority.
45. If the determination is to change, this will enable the school to implement this from September 2019.

### **Appendices**

46. Appendix A - Statutory document – Proposal to change the age range of Templefield Community Lower School, Flitwick from 4-9 to 2-9 years: published 3 January 2019.

### **Background Papers**

None

**Appendix A:  
Proposal to change the age range of Templefield Community Lower School, Flitwick from 4-9 to 2-9 years**

<p><b>Proposal to change the age range of Templefield Community Lower School, Flitwick, Bedfordshire from 4 - 9 years to 2 - 9 years</b></p>	
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Notice is given in accordance with section 19 (1) of the Education and Inspections Act 2006 and the statutory guidance for proposers and decision makers 'Making significant changes ('prescribed alterations') to maintained schools, October 2018' that Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Beds SG17 5TQ intends to make a prescribed alteration to Templefield Community Lower School, Malham Close, Flitwick, Bedfordshire MK45 1AJ from 1 September 2019.

**This consultation invites interested parties to respond to the proposed change of age range for Templefield Community Lower School.**

<b>Notice date:</b>	3 January 2019
<b>School:</b>	Templefield Community Lower School, Malham Close, Flitwick, Bedfordshire MK45 1AJ
<b>Proposer:</b>	School Organisation, Admissions & Capital Planning, Central Bedfordshire Council, Priory House, Chicksands, Shefford, Beds, SG17 5TQ

**Description of proposed alteration**

Central Bedfordshire Council proposes to change the age range of Templefield Community Lower School from 4 – 9 years to 2 – 9 years in order to enable the merger between the school and Windmill Pre-school which is a committee run, early years provision that operates out of an independent facility on the site of Templefield Community Lower School.

**Evidence of demand for proposed alteration versus need, including results of preliminary consultation**

In October 2018, the governing body of Templefield Community Lower School and the Windmill Pre-school committee launched a joint consultation regarding a proposal to lower the age range of the school by two years from 4-9 to 2-9 years.

The consultation ran from 1 October 2018 to 6 November 2018. Stakeholders who were advised of the consultation included staff, parents and carers of both Templefield Community Lower School and Windmill Pre-school, other pre-schools within the town, all other schools and academies within Central Bedfordshire, the local town council, the local diocese, relevant trade union representatives and local ward members of Central Bedfordshire Council. A press release was forwarded by the school to two local newspapers.

Two drop-in sessions were held for parents and other stakeholders at the school during the five week consultation.

28 written responses were received; 17 from parents, seven from employees of Windmill pre-school and four from staff and governors of the school. All of the respondents agreed with the proposal; comments submitted included –

'Upon hearing the details of the merger, I feel it will be of benefit to children in Windmill, still providing a nurturing environment whilst merging the facilities of the school and providing a smooth transition for starting Templefield.' (*Windmill Pre-School parent*)

'As a parent I think the merger is a good idea for all and the future of Windmill.' (*Templefield parent*)

'I would like to express my full support for the proposal. I consider that such a move would be a positive one with clear benefits for pre-school and school.' (*Windmill Pre-School employee*)

'I feel that the merger would be a positive change for pre-school, offering a more secure future for our setting.' (*Windmill Pre-School employee*)

'I feel that the merger will be excellent for transition, both socially and academically.' (*Templefield employee*)

Based upon the results of the consultation, both the governing body of Templefield Community Lower School and the Windmill Pre-school committee voted unanimously to proceed with the proposal and to submit a request to Central Bedfordshire Council to publish a statutory proposal for the change.

### **Objectives - including how the proposal would increase educational standards and parental choice**

The objectives of the proposed merger include –

- The opportunity to increase parental choice for seamless education for 2 – 9 within the town.
- To provide fully integrated provision with opportunities for pre-school children to utilise all of the school's facilities
- Closer working relationships between the staff working across the age range
- Further access to early support and interventions for those children with additional needs

- Access to before and after school care provision for parents of pre-school children
- Enabling the pre-school to utilise the services of the School Business Manager, giving the Pre-school Manager more time to focus on teaching and learning.
- Greater job security for current members of staff at the pre-school who would be employed by the school.

### **The effect on other educational institutions within the area**

There would be no adverse effect on other similar provisions within the area. The increase in funded hours for working parents (the 30-hour offer), is likely to result in an increased demand for pre-school hours within the area.

### **Project costs and indication of how these would be met**

The day to day operations of the pre-school would be managed jointly by the Pre-school Manager and the Templefield School Business Manager and the day to day running costs would be met through revenue funding.

A greater number of pupils on the school roll would result in a stronger financial base for the school.

Staffing levels for the pre-school would continue to be in accordance with legal requirements.

There are no capital implications to the council arising as a result of the proposal.

Although the existing Windmill pre-school building is constructed from short life materials and is deemed to be a temporary building, the preschool children would continue to use the facilities and resources currently provided. In the long term the school would be looking to secure capital funding for a new purpose built facility on the school site.

### **Education standards and diversity of provision**

The proposed change would not adversely affect parental choice within the town but would provide a secure and sustainable future for high quality education.

There is a strong correlation between children from other pre-school settings based within a school exceeding outcomes at the end of their early years foundation stage.

### **School size**

Templefield Community Lower School has a published admission number of 60 per year group and there are currently 253 children on roll at the school.

The pre-school would be able to accommodate a maximum of 20 children for each session and

would offer the same sessions as those currently offered by Windmill. These would be each weekday during term-time, over two sessions; morning 9.00 am to 12.00 noon and afternoon 12.30 pm to 3.30 pm. Children staying all day would also be able to access the lunch club from 12 noon to 12.30.

Depending upon the availability of places, there may be provision to offer the 30 x funded hours.

### **Proposed admission arrangements**

The admissions procedure for the school would not change and Central Bedfordshire's admissions policy would continue to be adhered to.

Should there be more applications than places, the following criteria is used to determine how places are allocated: -

- 1) All 'looked after' children or children who were previously 'looked after'
- 2) Children living in the catchment area with siblings at the school
- 3) Children living in the catchment area
- 4) Other children with siblings at the school
- 5) Children who live nearest to the school determined by straight line distance from the school site to the child's home address

Children in the pre-school at Templefield Community Lower School would need to apply for their statutory place (Year R) in the starting school admissions round, as there is no automatic transfer to the Year R group from the pre-school class and no guarantee can be given by the council or the school that children from the pre-school class will gain a place within the main school.

### **National curriculum**

The school would continue to follow the age-appropriate National Curriculum.

### **Equal opportunity issues**

There are no planned changes - there would be a continuation of the school's current policies and procedures to ensure there is no discrimination and to promote equal opportunities and foster good relations.

### **Community cohesion**

This would enhance and improve wider opportunities and experiences within the local community for all families.

### **Travel and accessibility**

This would not change for pre-school children - it would be the same as for all Templefield children.  
Local children and families are encouraged to walk, cycle or scoot to school and the school would work with Central Bedfordshire Council to update their Travel Plan.

### **School premises and playing fields**

The pre-school children would be accommodated in the on-site building currently used by Windmill Pre-school.  
There would be fully integrated provision with opportunities for the pre-school children to utilise school facilities, including the playing field, environmental garden, forest school, library, hall, playgrounds and games markings.

### **Proposed stages for implementation**

If the change is approved by the council, it is anticipated that it would be implemented from 1 September 2019.

### **How to respond to this formal consultation**

This formal consultation commences on 3 January 2019 and closes on 31 January 2019.

You can **have your say via the online form** which is available on the council's website here – <http://www.centralbedfordshire.gov.uk/council/public-statutory/notices.aspx>

Or you can complete the response form on pages 6 and 7 and return it to the FREEPOST address provided at the end of the form.

Both on line responses and completed forms to confirm your support, raise any objections and submit any comments should be returned by **5 pm on 31 January 2019**

Following the close of the consultation, the council's Executive Member for Families, Education and Children will be asked to consider the responses received and determine the proposal.

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## Central Bedfordshire Council

Delegated Decision Meeting  
Executive Member for Families, Education and Children

20 March 2019

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### **Determination of the Proposal to Change the Designation of Church End Lower School, Marston Moretaine from a Foundation School to a Church of England Voluntary Controlled School**

Report of Sue Harrison, Director of Children's Services  
([sue.harrison@centralbedfordshire.gov.uk](mailto:sue.harrison@centralbedfordshire.gov.uk))

Advising Officer, Victor Wan, Head of School Organisation and Capital Planning  
[victor.wan@centralbedfordshire.gov.uk](mailto:victor.wan@centralbedfordshire.gov.uk)

**This report relates to a non key decision**

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#### **Purpose of this report**

1. To report to the Executive Member for Families, Education and Children the approval given by the Department for Education for a statutory consultation to be carried out for the proposed change of designation and the responses received during this consultation.
2. To approve the change of designation for Church End Lower School, Marston Moretaine from a Foundation School to a Church of England Voluntary Controlled.

#### **RECOMMENDATIONS**

**The Executive Member for Families, Education and Children, is asked to approve a change of designation for Church End Lower School , Marston Moretaine from a Foundation School to a Church of England Voluntary Controlled School, as part of the Diocese of St Albans Board of Education, with an estimated implementation date of 1 May 2019.**

#### **Background**

3. At their meeting on 12 June 2018 the Executive were asked 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 Department for Education (DfE) for the consideration of a change of designation from a Foundation school to a Voluntary Controlled school

- subject to approval by the DfE, to support the statutory process to be carried out by the school, which would require publication of a statutory notice followed by formal consultation of at least four weeks; and
  - 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.
4. Approval was given by the Executive, and the Governing Body of Church End Lower School subsequently submitted a Section 10 application to the Department of Education (DfE), complete with the support of the Council, requesting consideration of the proposal and approval to commence a statutory consultation.
  5. As Members were advised at the meeting on 12 June 2018, the DfE currently expects and promotes that changes to schools are in the form of academy conversions. The Governing Body of Church End Lower School considered this option and agreed that there was no significant demand for the school to seek academy status from any stakeholder group. The school had met with academy headteachers and governors and concluded that becoming an academy was not right for the school at this stage.
  6. For the school to change designation it is required to close and then open the following day with the new designation. Church End Lower School would therefore close and a new school, which is proposed to be established by the Diocese of St Albans Board of Education, would open on the following day with the new designation.
  7. Church End Lower School became a dual site school in September 2014 when the new Forest End site, in Great Linns, Marston Moretaine, was opened under the Council's New School Places Programme.
  8. It is proposed that the new school would open on both the Church Walk site and the Forest End site and would be named Marston Moreteyne Church of England Voluntary Controlled School.
  9. The Governing Body and Diocese originally indicated a preference for the closure of Church End Lower School and the opening of the new school to happen on 30 December 2018 and 1 January 2019 respectively. The delay has been caused by the amount of information that has been requested by the DfE from both the school and the Diocese, following the submission of the Section 10 application, believed to be because of the rarity of this type of request.

10. If the proposal is approved and implemented, the school will cease to be a Foundation school, with the staff employed by the Governing Body, and will become a Voluntary Controlled School, with the staff employed by the Council. The school building and school playing fields will transfer from the Governing Body to the Diocese of St Albans. The school will remain as a maintained school and Religious Education will continue to follow the Local Authority Agreed Syllabus.
11. Pupils on roll at Church End Lower will transfer to the new school and the Admissions Policy for the new school will be the same as that for Church End Lower.
12. Council approval for the proposal would enable the Governing Body and the Diocese of St Albans to apply to the DfE for the final permission for the change of designation.
13. The DfE's process for the change of designation can be viewed at: <https://www.gov.uk/guidance/religious-character-designation-guide-to-applying>.

#### **Consultation responses**

14. Church End Lower School launched a preliminary consultation in October 2017, which included 4 public meetings, to gauge the level of support for the proposal.
15. A total of 86 responses were received; 78 supported the proposal, 6 neither supported or opposed it and 2 opposed it. Those in support of the proposal felt that it would be a 'positive step for the school and the children' and that 'the school should not academise'. The minority that objected to the proposed change stated that they did not believe in church schools and preferred the school to remain as a foundation school.
16. The statutory consultation, launched by the school and the Diocese, ran from 10 January to 20 February 2019.
17. It received 1 response, which expressed support for the consultation.
18. As a result of the level of support demonstrated during both the preliminary and statutory consultation, the Governing Body of Church End Lower School and the Education Board of the Diocese of St Albans have requested that the proposed change of designation, which is to be achieved via the closure of Church End Lower School and the opening of the Marston Moreteyne Church of England Voluntary Controlled School, be approved by the Council.

### **Reasons for decision**

19. Church End Lower School is an Ofsted 'good' school and remains popular with parents and carers both within its catchment area and beyond.
20. The school governors have been working towards this proposed change since 2011 and have weighed the benefits of the 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 this need is unlikely to change over the next 5 years.
22. The Executive gave their support for the change of designation at their meeting on 12 June 2018 (minute E/18/10) and the DfE, via the Secretary of State, gave consent for the statutory consultation to be actioned.

### **Council Priorities**

23. The report 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. Either the local authority or the 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 voluntary school with a religious character. This can be done by either gaining the Secretary of State's consent under Section 10 or as a special case under Section 11 of the 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) (England) Regulations 200713 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 200713.
26. DfE regulations and guidance outline the requirements and process for proposals to change the designation of a Council maintained schools. These include full public consultation, the publication of statutory proposals and the decision-making process. The Council and the DfE are the decision makers for a proposal relating to a change of designation for a maintained school, which is set out in this report.

27. All decisions on proposals to either open or close a maintained school must be based on the factors as set out within the guidance for 'Opening and closing maintained schools'.
28. The DfE guidance for the 'Opening and closing maintained schools' can be viewed at: <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.
29. At the meeting of the Executive on 12 June 2018 it was agreed that the Executive Member for Families, Education and Children be authorised to determine the change of designation for the school, subject to responses to the statutory consultation being favourable. If responses were not favourable, then determination was to be made by the Executive.
30. Only 1 response was received during the statutory consultation in favour of the proposed change of designation. Determination of the proposal is therefore requested from the Executive Member for Families, Education and Children.
31. As decision maker the Executive Member must be satisfied that the proposal has followed due process and must also have regards to statutory guidance.
32. The decision must be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules (Part 4F of the Constitution).
33. As decision maker for the statutory proposal reflected in this report the Executive Member must determine whether to:-
  - Reject the proposal
  - Approve the proposal
  - Approve the proposal with a modification (e.g. the implementation date)
  - Approve the proposal subject to them meeting a certain condition.
34. In any case the proposal must be determined within two months of the close of the representation period, otherwise the proposal will be referred to the Schools Adjudicator. (The representation period/statutory consultation ended on 20 February 2019).

### **Financial Implications**

35. If the change of designation is actioned, and the new school is to be opened, the staff will need to be transferred from the employ of the Governing Body of Church End Lower School to the employ of the Council. This will need to be managed in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended 2014).

36. This process will need to be managed by the Governing Body of the School (the Transferor) and the Council (the Transee) and supported by each organisation's HR provider.
37. The new school will continue to receive payroll and HR provision from external providers.
38. As a Maintained Voluntary Controlled School, any reductions in staffing would be managed in accordance with the Council's Redundancy Policy for Schools (as adopted by the Governing Body of the school).
39. 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 for Foundation Schools, therefore a change of designation would result in an increase in redundancy liability cost to the Council should staffing reductions be required after a change of designation.
40. Any dismissal made by the school (for redundancy or other reasons) would be a dismissal from the Council as the employer and therefore has the same associated employer risk as all Central Bedfordshire Council Maintained Community and Voluntary Controlled Schools.
41. There would be no additional pension costs arising from a change of designation as the new school would be maintained by the Council and the employees would remain eligible to contribute to the LGPS and Teachers Pension Schemes. The Council would continue to be responsible for the monthly return of Teachers Pension service.
42. The day to day running costs of the school are met through revenue funding which is made available to each school as part of the dedicated schools grant, calculated on a per pupil basis. Nationally, school and academy revenue budgets are set in line with the School and Early Years Finance Regulations 2013 which uses October school census data of pupil numbers accommodated at that moment in time to calculate the budget for the following financial year, for Council maintained schools, and the following academic year for Academies.
43. If the proposal is determined in favour of the change of designation, and the DfE subsequently also gives its approval, the school building and school playing fields will transfer from the Governing Body to the Diocese of St Albans

### **Equalities Implications**

44. The consultation and decision-making process set out in regulation for proposals to maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.

45. 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.
46. This statutory duty includes requirements to:
- i. Remove or minimise disadvantages suffered by people due to their protected characteristics.
  - ii. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - iii. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
47. The proposed change of designation for Church End Lower School 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)	N/A
Pregnancy & Maternity	N/A
Human Rights (Please see articles in toolkit)	N/A
Other Groups (rural isolation etc)	N/A

### **Risk Management**

48. The proposal set out in this report has been developed and evaluated against the key criteria for decision makers that are outlined in guidance. Likewise, the proposal has followed the procedures set out in regulation. This mitigates the risk on the Council of failing to comply with the relevant statutory requirements.
49. The key risks mitigated by the process that has been followed 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.

- Financial risks, including significant capital commitment to the Council, and the consequential additional running costs that will be borne by the schools.
50. If approved, the Governing Body of Church End Lower School and the Education Board of the Diocese of St Albans will develop and implement change management plans that will include risk assessment and management criteria to ensure the effective delivery of the objective set out in the proposal document.

### **Conclusion and next Steps**

51. The recommendation is for the Executive Member for Families, Education and Children, to determine the proposal through delegated authority as approved at the Council's Executive.
52. If determined this will enable the schools to work towards the implementation of this change from 1 May 2019.

### **Appendices**

53. Appendix A - Statutory document – Related proposals to close Church End Lower School, Marston Moretaine and open Marston Moreteyne Church of England VC School – published 20 January 2019

### **Background Papers**

None

**THE GOVERNING BODY OF CHURCH END LOWER SCHOOL, MARSTON MORETAINE,  
BEDFORDSHIRE**

and

**THE DIOCESE OF ST ALBANS BOARD OF EDUCATION**

**EDUCATION AND INSPECTIONS ACT 2006**

**Related proposals to close Church End Lower School, Marston Moretaine and  
open Marston Moreteyne Church of England VC School**

**Part 1:** The Governing Body of Church End Lower School, Marston Moretaine – Proposal to  
close Church End Lower School Pages 1-2

**Part 2:** The Diocese of St Albans Board of Education – Proposal to open Marston Moreteyne  
Church of England VC School Pages 3-5

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**Part 1: The Governing Body of Church End Lower School, Marston Moretaine**

**Proposal to close Church End Lower School**

**Contact details:**

Chair of Governors, Church End Lower School, Church Walk, Marston Moretaine, Bedford,  
MK43 0NE

**Name, address and category of school that it is proposed to close:**

Church End Lower School, Marston Moretaine (foundation school)

*This is a split-site school.*

Site 1: Church Walk, Marston Moretaine, Bedford, MK 43 0NE

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

**Implementation**

The process for school closure is set out in the Department for Education Statutory Guidance: Opening and Closing Maintained Schools – April 2016. The governing body proposes that Church End Lower School closes on Tuesday 30<sup>th</sup> April 2019.

**Reasons for proposed closure**

It is proposed to close the existing school in order to open a new (Church of England, Voluntary Controlled) school on the same sites. The informal consultation has indicated strong support from stakeholders for this proposal.

### **Pupil numbers and admissions**

The school has a total capacity of 450 pupils (Year R to Year 4)  
+ 72 full-time equivalent (FTE) Nursery Places.

### **Arrangements for displaced pupils**

Pupils at the existing school would be accommodated at the proposed new school, hence there would be no displaced pupils.

### **Impact on the community**

The informal consultation stage 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 Diocese of St Albans Diocesan Board of Education.

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

A five-week Stage 2 consultation process will take place from **Wednesday 9 January to Wednesday 20<sup>th</sup> February 2019**. The proposals will then be submitted to Central Bedfordshire Council.

Comments and objections to this proposal can be made by 5pm on **Wednesday 20<sup>th</sup> February 2019** in writing to: The Chair of Governors, Church End Lower School, Church Walk, Marston Moretaine, Bedford, MK43 0NE, or to [churchend@cbc.beds.sch.uk](mailto:churchend@cbc.beds.sch.uk)

### **Travel**

The closure of the current school will not cause any additional journeys to alternative provision nor any increase in car use.



**Chair of Governors**  
**Governing Body of Church End Lower School**  
**Date: Wednesday 9<sup>th</sup> January 2019**

## **Part 2: The Diocese of St Albans Board of Education**

### **Proposal to open Marston Moreteyne Church of England VC School**

#### **Contact details:**

Canon David Morton, Director of Education, Diocese of St Albans Schools Team, Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HE

Email: [dde@stalbans.anglican.org](mailto:dde@stalbans.anglican.org)

Tel. 01727 818170

#### **Implementation**

The proposed name of the new school is **Marston Moreteyne Church of England VC School**. It is proposed to operate as a split-site school occupying the same sites as the previous school:

Site 1: Church Walk, Marston Moretaine, Bedford, MK 43 ONE

Site 2: Forest End, Great Linns, Marston Moretaine, Bedford, MK 43 ODD

The process for opening a new school is set out in the Department for Education Statutory Guidance: Opening and Closing Maintained Schools – April 2016. The Diocese of St Albans Board of Education proposes that Marston Moreteyne Church of England VC School opens on 1<sup>st</sup> May 2019.

The proposal would be implemented by Central Bedfordshire County Council as the Local Authority with the support of the Board of Education of the Diocese of St Albans. Any capital costs would be met by the Local Authority who will transfer to the trustees of the new school the sites to be occupied by it.

#### **Reason for the new school**

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

The 'new' school would replace the existing Church End Lower School on the same sites, with capacity as follows:

Total Capacity: 600 pupils (Year R to Year 4)

+ 96 FTE Nursery places

#### **Category**

Church of England Voluntary Controlled

The Secretary of State's consent has been obtained to publish these proposals.

## **Ethos and religious character**

Church of England Voluntary Controlled School

This will be a Church of England school and in accordance with statute, RE (Religious Education) will be provided in accordance with the Agreed Syllabus or on request in accordance with the diocesan syllabus.

The proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

The informal consultation carried out in November/December 2017 evidenced strong support for the proposal from parents, staff, governors, and other stakeholders, through questionnaires and a series of public meetings, with 91% of respondents supporting the proposal, 7% taking a neutral view and only 2% opposing.

## **Pupil numbers and admissions**

Total Capacity 600 pupils (Year R to Year 4)  
+ 96 FTE Nursery places

## **Admission arrangements**

The Local Authority will be the admissions authority for the school and (with the support of the Diocesan Board of Education) does not propose that any priority be given to children of any particular religion or denomination. The proposed admissions policy will be consistent with the Local Authority's standard admissions policy for Church of England Voluntary Controlled schools.

## **Early Years Provision**

The Early Years provision would be maintained as provided in the existing school, with potential extension in the future if needed.

## **Curriculum**

The proposed new school will meet the general requirements in relation to the curriculum contained in section 78 of EA 2002.

## **Relevant experience of proposers**

The Diocese of St Albans Board of Education's staff are a team of experienced education professionals providing focused support to over 130 Church of England schools within the Diocese, including standards and school improvement. Over 90% of Church of England schools in the Diocese are either 'Outstanding' or 'Good'.

## **Effects on standards and contributions to school improvement**

By joining the Church of England family of schools, Church End 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 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.

The existing school was inspected by Ofsted in November 2016. The report recognises that the school's 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 the local 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 (Local Safeguarding Children Board).

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

### **Location and costs**

The new Church of England Voluntary Controlled school would primarily continue to serve the village of Marston Moretaine and the immediate surrounding area. It would replace Church End Lower School which would close on 30<sup>th</sup> April 2019; and would occupy the same split site as the school it replaces:

Site 1: Church Walk, Marston Moretaine, Bedford, MK 43 ONE

Site 2: Forest End, Great Linns, Marston Moretaine, Bedford, MK 43 ODD

The school sites would be transferred freehold to the Diocesan Board of Education as trustee of the new school. The playing fields will be provided to the school by the Local Authority.

The existing school would be closed, with the same sites needed for the same pupils in the new school. There is thus a nil cost to providing the sites for the new school, and no planning permission is required.

### **Travel**

The opening of the new Church of England Voluntary Controlled School will not cause any increase in car use.

### **Federation**

There are no proposals at this time for the school to be established as a federated school.



**Director of Education**

**On behalf of the Diocese of St Albans Board of Education**

**Date: Wednesday 9<sup>th</sup> January 2019**

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