

# Report to Cabinet Member for Education and Skills

---

**Decision to be taken on or after 17 December 2019**

**Decision can normally be implemented at least 3 working days after decision has been signed.**

**Cabinet Member Report No. [number]  
(Democratic Services will fill this information in)**

<b>Title:</b>	<b>Whaddon Church of England School. Proposed change of age range.</b>
<b>Date:</b>	9 December 2019
<b>Author:</b>	Paulette Thompson-Omenka (Director of Education) 01296 387849
<b>Contact officer:</b>	Paula Campbell-Balcombe 01296 382896
<b>Local members affected:</b>	Cllr John Chilver: Winslow

*For press enquiries concerning this report, please contact the media office on 01296 382444*

## **Summary**

Whaddon Church of England (CE) School is a Voluntary Controlled Local Authority (LA) school.

The school's governing board are proposing that from 1 September 2020 the age range of the school is changed. The present age range is 4-7 years of age and if the change is agreed the age range would become 4-11 years of age and the school would become an all-through primary school, taking KSI and KSII children. At the same time if the proposal is agreed, the school's current admission number would be reduced from 18 to 11 at Key Stage One and would be 12 at Key Stage Two

The school held a public consultation from 2 September 2019 to 14 October 2019. Details of the proposed change were distributed widely to the local community, other early year's providers, parents/carers, members, local schools, Oxford Diocese and other interested local parties. The governing board received 42 responses to the proposed change. 100% of people replying were in favour of the change.

In line with the Department for Education's (DfE) statutory guidance for such changes, a statutory notice was published on the 18 October 2019 in the Buckingham and Winslow Advertiser and details of the proposed change placed on the school's website. The publication of the notice instigated a four week representation period for people to support, comment on or object to the proposal. 35 representations were received, all in favour of the change. DfE statutory guidance, which was updated in 2019, states that the decision maker (LA) has eight weeks from the end of the representation period to make a decision on the proposal.

## Recommendation

**To AGREE that, as the school's governing board and the Local Authority have followed the Department for Education statutory guidance, permission is granted for the proposed change of age range at the school and the reduction of the admission number from 18 to 11 for Key Stage One.**

**To AGREE that the change takes place from 1 September 2020.**

### A. Narrative setting out the reasons for the decision

1. When a Local Authority or governing board wish to implement a prescribed alteration to a school that changes its status, they must firstly make people aware of the proposed change and then publish a statutory notice in a local newspaper and place details on the school website. The Department for Education guidance on such changes was republished in 2018: Making significant changes (prescribed alterations) to maintained schools, statutory guidance for proposer and decision makers 2018. A governing board, LA or the Schools Adjudicator must have regard to this guidance when exercising functions under the School Organisation Prescribed Alterations to Maintained schools (England) regulations 2013 (the prescribed alterations regulations). It should be read in conjunction with Parts 2 and 3 of the Education and Inspections Act (EIA) 2006 and prescribed alterations regulations. The process followed by Whaddon CE School governing board and the LA has followed the current statutory guidance.
2. If implemented the proposal would mean that the school would become an all-through primary school, taking children from Reception through to Year 6 and at the same time the school's admission number would reduce from 18 to 11 at KSI and would be 12 at KSII.
3. In line with DfE guidance on school reorganisations, the governing board held a public consultation from 2 September 2019 to 14 October 2019 on a proposal to change the school's age range. At the end of the public consultation 42 responses had been received, all of which were in favour of the proposal. Details of the consultation were sent to parents/carers, local county councillor, staff, governors, Whaddon Parish Council, local early years providers, Milton Keynes Council, the local MP and a number of County Council teams and other organisations connected to the school.
4. Following the end of the public consultation the outcome was reviewed. The decision was taken to move to the next stage of the DfE's statutory process and in line with their statutory guidance the school published a statutory notice in the Buckingham and Winslow Advertiser on 18 October 2019. Following the publication of the statutory notice there was a four week period for people to make representations (i.e. to comment on, object to or support the proposed expansion). 35 (21 parents) representations were received during the four week period: all expressing support for the proposal.
5. The DfE statutory guidance states that the decision-maker (the LA) should be guided by the views of parents when taking a decision. Almost 50% of the responses to the consultation period were from parents and 100% of parents were in favour of the proposed change. During the representation period over 50% of the responses were from parents and all were in favour of the proposed change.

6. The governing board will ensure that the school builds up over a number of years to its new capacity, so as to not destabilise nearby schools and this approach is supported by the proposed change in its admission number from 18 to 11 at KSI and then 12 at KSII.
7. The governing board is aware that there are significant financial costs in moving to becoming an all-through school and they have over a number of years built up a significant revenue reserve to meet the additional costs as the school builds up to its new capacity. The board have submitted a detailed business plan showing how they will manage the proposed change of status. The chair of governors has confirmed that they are aware that the full costs of the proposed change will be met by the governing board. The chair has written: *As Chair of Governors at Whaddon C of E School I am writing to inform you that we are aware that the LA is not funding the revenue or capital project costs for the project at Whaddon C of E school. We are aware the costs will be met by the school and governing body.*
8. A number of years ago the school raised funding for an additional classroom, which was constructed, and therefore if the proposal goes ahead the school does not need any additional accommodation for the extra children. When planning permission was granted, AVDC only gave it on the basis that the maximum capacity of the school would be 80: hence the proposed PAN of 11 at KSI and 12 at KSII.
9. When making the recommendation the Local Authority has taken account of the Public Sector Equality Duty. An Equality Impact Assessment has been completed and forwarded to the Head of Equalities who raised no objection or comment. If the expansion takes place, the school will continue to offer places to children of any faith or no faith and they will continue to welcome and support children and their families/carers with special educational needs and disabilities.
10. The school has in recent years suffered from parents taking their children out of school before the end of KSI to secure a place at a KSII school. If the proposal is implemented this trend is likely to end and will help to maintain the long-term stability of the school and make it easier for governors and the Headteacher to plan for the future.
11. The school was inspected by Ofsted in May 2019, and the report published in June 2019, graded the schools as Outstanding across all areas.
12. As the statutory process has been followed, the Cabinet Member is recommended to agree to the change of age range at the school, effective from 1 September 2019.

**B. Other options available, and their pros and cons**

13. The only alternative option would be to not agree to the change of age range. However the DfE's statutory guidance states: *"Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)".*
14. As almost 50% of the responses to the public consultation were from parents who supported the proposed change, agreeing to the changed age range would mean that the LA was being guided by the views of parents. Of the 35 responses to the representation period, 60% were from parents and all were in favour of the proposed change.

15. The Cabinet Member for Education and Skills in the circumstances outlined above, and as the governing board have confirmed that they will meet all revenue costs and capital costs from the project is recommended to agree to the change of age range at the school.

### **C. Resource implications**

16. Schools are funded through the Buckinghamshire local funding formula for schools which is based on the DfE's proposed National Funding Formula (NFF). Funding is from the Dedicated Schools Grant (DSG) and therefore there is no direct impact on the council's general fund budget.
17. Funding for schools is based on pupil census data from the October prior to the start of the financial year. This means that funding is lagged and additional pupils will not be recognised in the school's revenue funding until the year following their admission to the school. As the expansion of Whaddon CE School is not driven by the local authority's strategic need for additional places, no additional funding is available to the school from the local authority to forward fund additional places. The proposal can only be supported on this basis.
18. The school have submitted a full business case, which illustrates how the proposed change would be implemented and any necessary additional staffing and equipment costs met from revenue reserves and from additional funding as the school builds up to capacity. The business case does not rely on any additional funding from the local authority.

### **D. Value for Money (VFM) Self Assessment**

19. Effectiveness: This approach will ensure that the Local Authority is able to effectively manage its resources.
20. Efficiency: This approach will ensure that the Council does the minimum to satisfy its legal obligation in this area of work and meets its statutory duty to provide sufficient school places.
21. Economy: This approach has limited impact on service delivery.

### **E. Legal implications**

22. When an LA or governing board wish to implement a prescribed alteration to a school that changes its status, they must firstly make people aware of the proposed change and then publish a statutory notice in a local newspaper and place details on the school website. The Department for Education guidance on such changes was revised in 2018. Making significant changes (prescribed alterations) to Maintained Schools: Statutory Guidance for proposer and Decision Makers 2018. A governing board, LA or the Schools Adjudicator must have regard to this guidance when exercising functions under the School Organisation Prescribed Alterations to Maintained schools (England) regulations 2013 (the prescribed alterations regulations). It should be read in conjunction with Parts 2 and 3 of the Education and Inspections Act (EIA) 2006 and prescribed alterations regulations. The process followed by Whaddon CE School governing board and the LA has followed the current statutory guidance.
23. In line with Department for Education guidance a public consultation was held, followed by the publication of a statutory notice by the Local Authority in the Buckingham and Winslow Advertiser on 18 October inviting people to make

representations on the proposed closure. In addition, advice has been sought on the contents of this report from the Principal Lawyer.

#### **F. Property implications**

24. There are no property implications for the LA arising from the proposal as no additional classroom space needs to be created. Any work in the future would be funded by the governing board.

#### **G. Other implications/issues**

25. Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, as subsequently revised, the Local Authority is the decision maker for this proposal having regard to the relevant Department for Education decision makers statutory guidance. The Department for Education statutory guidance has been followed in the consultation process, the publication of a statutory notice and the subsequent four week representation period.

#### **H. Feedback from consultation, Local Area Forums and Local Member views**

26. The governing board held a public consultation from 2 September 2019 to 14 October 2019 on the proposal for a change of age range. Following a review of the outcome of the consultation period the decision was taken to publish a statutory notice, followed by a four week representation period. The representation period ran from 18 October to 15 November and 35 representations were received, all in favour of the proposed change. Details of the proposal were sent widely to local organisations, schools, the local member, staff, governors and parents/carers.

27. Cllr Chilver was contacted and stated “as Local Member I fully support this proposal which is supported by the local community and will ensure the future long term stability of the school”.

#### **I. Communication issues**

28. The outcome of the Cabinet Member decision will be communicated to the school, governors, local community and interested local parties.

### **Background Papers**

#### ***Your questions and views***

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*

*If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 16 December 2019. This can be done by telephone (to 01296 383610), Fax (to 01296 382538), or e-mail to [cabinet@buckscc.gov.uk](mailto:cabinet@buckscc.gov.uk)*