

## CABINET

24 JULY 2012

This report is submitted under Agenda Item 11. The Chair will be asked to decide if it can be considered at the meeting as a matter of urgency under the provisions of Section 100B(4)(b) of the Local Government Act 1972 in order for the Cabinet to take appropriate decisions in respect of the future arrangements for the William Ford Church of England Junior School and Village Infant School.

<b>Title:</b> Supplementary Report to 11 July 2012 Cabinet Paper "Proposed Amalgamation of William Ford Church of England (Voluntary Aided) Junior School and Village Infant School"	
<b>Report of the Cabinet Member for Finance and Education</b>	
<b>Open report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Village Ward	<b>Key Decision:</b> Yes
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<b>Accountable Divisional Director:</b> Jane Hargreaves, Divisional Director of Education	
<b>Accountable Director:</b> Helen Jenner, Corporate Director of Children's Services	
<b>Summary:</b>  This report updates Cabinet on the decisions taken by William Ford School Governing Body since the Cabinet decision of 11 July and gives advice on the statutory process required to rescind the proposals.	
<b>Recommendation(s)</b>  The Cabinet is recommended to:  (i) Agree that the Council intends to revoke its decision under Minute 20 of the last meeting in the light of the decision by William Ford Church of England Junior School Governing Body, at its meeting on 17 July 2012, not to proceed with the proposal for the amalgamation of William Ford Church of England Junior School and Village Infant School to become an all-through Church of England Voluntary Aided Primary School with effect from 1 September 2012, by the closure of the existing infant school and expanding the age range of the existing Church of England voluntary aided junior school;  (ii) Agree that the Council publishes the relevant revocation notices, as detailed in the report; and  (iii) Note that a further report will be presented to the Cabinet meeting on 18 September 2012 seeking formal confirmation of the decision to revoke the amalgamation proposals.	

## **Reason(s)**

The Governing Body of William Ford School voted not to expand to become a primary school.

### **1. Introduction and Background**

- 1.1 On 11 July 2012, Cabinet agreed the recommendation that Village Infants School should close and William Ford Junior School should expand to become a primary school (the report to the Cabinet meeting on 11 July is attached at Appendix 1 and minutes from that meeting are elsewhere on the agenda).
- 1.2 The Governing Body and staff at William Ford School had expressed support for this proposal since it was first raised in Autumn 2011. The Local Diocese remains in support of the proposal.
- 1.3 However, at a meeting on 17 July 2012, the Governing Body of William Ford Junior School not to proceed with the proposal for the amalgamation.
- 1.4 Whilst the Council remains committed to the principle that a primary school provision would be of benefit to the children and community, if the governing body at William Ford is now unwilling to expand to cover the primary age range the proposal cannot proceed.

### **2. Proposal and Issues**

- 2.1 This report proposes that Village School maintains its original status and that the Governing Body are instructed to put Acting Headteacher arrangements in place for the Autumn Term, and then to move to recruit a Headteacher.

### **3. Consultation**

- 3.1 There has previously been significant consultation with staff, parents and governors at both schools.
- 3.2 Due to extremely tight time scales and the very late change in direction from William Ford governors it has not been possible to consult at this stage on the new proposal. However, previous consultation responses would suggest that this decision will be popular with most staff and governors, and some community groups, and the publication of the relevant notices incorporates a six-week public consultation.

### **4. Legal Implications**

- 4.1 It will be necessary for the Council to publish revocation notices in respect of the proposal that it be relieved of its duty to close Village Infant School. The reason for the revocation is that circumstances are now so different that it is not appropriate to implement the closure. This is possible under paragraph 41 of Schedule 5 of the School Organisation Regulations 2007, which do not require consultation.
- 4.2 It is necessary for the Governing Body of William Ford to publish a notice that they intend to be relieved of the duty to implement the proposals they made. After a six

week period for representations the Council makes the decision regarding both sets of proposals.

- 4.3 The notices **must** be published in a local newspaper circulating in the area served by the school, and also posted at the main entrance to the school (and all entrances if there are more than one) and at some other conspicuous place in the area served by the school. The proposals **must** provide for anyone to submit comments and objections on the proposals to the LA within 6 weeks of the proposals being published. Proposers are advised to consult interested parties on the planned revocation proposals before publication although there is no statutory requirement to do so.
- 4.4 Revocation proposals **must** be decided by the LA, except where the original proposals were decided by the schools adjudicator (or School Organisation Committee), or if the schools adjudicator is required to decide any “related” proposals, in which case the LA **must** forward the proposals, and any comments and objections received, to the schools adjudicator within 2 weeks from the end of the representation period. If the LA are to decide proposals they **must** do so within 2 months from the end of the representation period and if not, **must** pass the proposals to the schools adjudicator within 1 week from the end of the 2 month period.
- 4.5 To approve the proposals the Decision Maker **must** be satisfied that implementation of the original proposals would be unreasonably difficult, or that circumstances have so altered since the original proposals were approved that their implementation would be inappropriate.
- 4.6 A copy of the decision **must** be forwarded to:
- the LA or governing body who published the proposals;
  - the trustees of the school (if any);
  - the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@education.gsi.gov.uk](mailto:school.organisation@education.gsi.gov.uk));
  - the local C of E diocese;
  - the bishop of the RC diocese.
- 4.7 The following bodies have a right of appeal to the schools adjudicator if they disagree with the LA’s decision:
- The local Church of England diocese;
  - The bishop of the local Roman Catholic diocese;
  - The LSC where the school is to provide education for pupils aged 14 and over; and
  - The governing body and trustees (if relevant) of the school.
- 4.8 Appeals **must** be submitted to the LA within 4 weeks of the notification of the LA’s decision. On receipt of an appeal the LA **must** then send the proposals and the representations (together with any comments made on these representations by the proposers) to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA’s meeting or other record of the decision and any relevant papers. Where the proposals are “related” to other proposals, all the “related” proposals **must** also be sent to the schools adjudicator.

## 5. Proposed Draft Notices

5.1 Notice for the proposal by the Governing Body that it be relieved of its duty to implement the previously consulted decisions to

(a) To change the age range of the school to 3 to 11 years, thereby becoming a Primary School.

(b) To physically expand the school

“Notice is also given that the Governing Body of William Ford Church of England (Voluntary Aided) Junior School, Ford Road, Dagenham, RM10 9JS intends to be relieved of the duty to implement the statutory proposal published on 28 May 2012.

1. In accordance with regulation 26 of The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007, the London Borough of Barking and Dagenham proposes to be relieved of the duty to implement the statutory proposal made by the Governing Body of William Ford Church of England (Voluntary Aided) Junior School:

a. To enlarge the premises of William Ford Church of England (Voluntary Aided) Junior School

b. To reduce the lower age of pupils at the school to 3 to 11 years, becoming an all through primary school with a nursery “

Representations about this proposal may be made to XXXXX by DATE (6 weeks).

5.2 Notice for the proposal for the Local Authority to be relieved of the duty to implement the previously consulted decision to discontinue Village Infants Community School.

“Notice is given that London Borough of Barking and Dagenham, Town Hall, 1 Town Square, Barking IG11 7LU, intends to be relieved of the duty to implement the statutory proposal published on 28 May 2012.

In accordance with regulation 26 of The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007, the London Borough of Barking and Dagenham proposes that it be relieved of the duty to implement the statutory proposal made by the London Borough of Barking and Dagenham, to discontinue the following school 31 August 2012:

1. Village Infant (Community) School, Ford Road, Dagenham, RM10 9JS

Representations about this proposal may be made to XXXXX by DATE (6 weeks).

5.3 If notices are published at the earliest opportunity the formal decision could be taken at Cabinet on 18 September 2012.

## **6. Financial Implications**

- 6.1 The financial implications associated with the proposed merger were set out in the report to the last cabinet meeting. Those financial implications will no longer be relevant in the light of the decision by the William Ford Church of England Junior School Governing Body not to proceed with the proposal.

### **Background Papers Used in the Preparation of the Report:**

- Relevant Legislation – Education and Inspections Act 2006
- DFE Guidance – Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form and Closing a Maintained Mainstream School
- Council Policy House
- Children and Young People Plan
- Minutes of Cabinet meeting 11 July 2012

### **List of appendices:**

- Appendix A – Report to Cabinet 11 July 2012 entitled “Proposed Amalgamation of William Ford Church of England (Voluntary Aided) Junior School and Village Infant School