

## CABINET

18 SEPTEMBER 2012

<b>Title:</b> Decision not to Implement Proposals for the Amalgamation of William Ford Church of England (Voluntary Aided) Junior School and Village Infant School	
<b>Report of the Cabinet Member for Children's Services</b>	
<b>Open report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Village Ward	<b>Key Decision:</b> Yes
<b>Report Author:</b> Mike Freeman, Group Manager – Schools Estate and Admissions	<b>Contact Details:</b> Tel: 020 8227 3492 E-mail: mike.freeman@lbbd.gov.uk
<b>Accountable Divisional Director:</b> Jane Hargreaves, Divisional Director Education	
<b>Accountable Director:</b> Helen Jenner, Corporate Director of Children's Services	
<b>Summary:</b> <p>At its meeting on 11 July 2012 (Minute 20), the Cabinet agreed proposals which would have led to the amalgamation of William Ford Church of England Junior School and Village Infant School, creating an all-through Church of England Voluntary Aided Primary School with effect from 1 September 2012. The amalgamation proposal, which had been developed in consultation with the Diocese of Chelmsford and the Governing Bodies of William Ford Church of England Junior School and Village Infant School, would have involved the closure of the existing infant school, expansion of the age range of the existing junior school and the lease of the site to the Trustees of the newly extended school, which would have been called William Ford Church of England Primary School.</p> <p>However, at its meeting on 17 July 2012 the Governors of William Ford Church of England Junior School decided not to implement the decision to expand and lower the age range at its school. It would therefore not be possible to amalgamate the schools. As a result, it was necessary that steps be taken in order that the agreed changes were no longer implemented and the status quo maintained.</p> <p>The procedure for this is governed by the school organisation regime and requires that Cabinet decides that, following fresh proposals made by the Governing Body and the Council, both the Governing Body and the Council be relieved of the duty to implement their original proposals. A report was therefore presented to Cabinet on 24 July 2012 (Minute 24 refers) to initiate the revocation arrangements and this report seeks to formalise those arrangements following the publication of the appropriate revocation notices.</p> <p>Assuming that Cabinet approves the recommendations below, both William Ford Church of England Junior School and Village Infant School will operate as they have done previously. None of the proposed changes will take place. This further decision is necessary as without it there is a legal duty to implement the previously agreed changes.</p>	

## **Recommendation(s)**

The Cabinet is recommended to:

- (i) Agree that there be no duty to implement the previously agreed changes. The effect of this is that the decisions made under Minute 20 (11 July 2012) will not have effect. This is in light of the decision by the William Ford Church of England Junior School Governing Body, at its meeting on 17 July 2012, not to proceed with the proposal to amalgamate 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 via the closure of the existing infant school and expansion of the age range of the existing junior school;
- (ii) Agree that the Governing Body of William Ford Church of England Junior School be relieved of its duty to implement the proposal to expand the age range of the William Ford Church of England Junior School;
- (iii) Agree that the Council be relieved of its duty to implement the proposal to close Village Infants School with effect from 1 September 2012;
- (iv) Note that the following two actions will now no longer be necessary;
  - a. the grant of a lease for a peppercorn rent of the amalgamated site together with the adjoining access road and school house shown on drawing number LBBB/GIS/002 attached to Appendix B to the report, to the Trustees of William Ford School, for the purposes of ensuring that the through school can operate on one site,
  - b) the delegated authority to the Corporate Director of Children Services, in consultation with the Corporate Director of Finance and Resources and the Divisional Director for Legal and Democratic Services to agree terms and conclude the necessary legal agreements to facilitate the merger of the two schools.

## **Reason(s)**

The Governors of William Ford Church of England Junior School have decided that they do not wish to implement the proposal to lower the age range of William Ford and increase its premises to become an all through primary school. Under the School Organisation regime there is a duty to implement these decisions, unless they are relieved of this. Similarly, there is a duty on the Council to implement the previously agreed decision to discontinue Village Infants, unless the Council decides that it should be relieved of the duty to implement this.

## **1. Introduction and Background**

- 1.1 Further to the Cabinet reports of 11 and 24 July 2012 the Governing Body of William Ford Junior Church of England School has determined not to proceed with the proposal to amalgamate with Village Infant School and thereby become an all-through Primary School. This report recommends that Cabinet decides there is no

duty to continue with the changes that would have been necessary to bring about the amalgamation.

## **2. Proposal and Issues**

- 2.1 The Governing Body of William Ford Junior Church of England School wishes to be relieved of its duty to implement the previously agreed decision to:
  - (a) Change the age range of the school to 3 to 11 years, thereby becoming a primary school;
  - (b) Expand the school premises.
- 2.2 The Local Authority wishes to be relieved of its duty to implement the previously agreed decision to discontinue Village Infants Community School.
- 2.3 The effect of the two proposals together is that no changes are made to either school.
- 2.4 In order to comply with the regulations relating to school organisation, the revocation involves both the Governing Body and the Local Authority publishing fresh proposals to be relieved of their respective duties to implement the changes. These proposals were published together as a notice in The Barking & Dagenham Post on 8 August 2012 and posted at the main entrance to William Ford Junior Church of England School and Village Infant School, in accordance with the regulations. The Notice has also been placed on the Council's website and in the Public Notice Folder at Barking Library and Dagenham Library.
- 2.5 The "representation period" of six weeks began on the day of publication of the Notice and ends on 18 September 2012.

## **3. Options Appraisal**

- 3.1 The proposals were linked and were made following discussion and agreement with the Local Authority, Governors and Diocese. However, without the continued agreement and support of the Governing Body of William Ford Junior School, none of the original proposals or the decisions made to implement them were viable. The statutory process requires revocation of decisions that will not be implemented, and there are no alternative courses of action available to be appraised.

## **4. Consultation**

- 4.1 As noted in 2.1 above, a Notice was published on 8 August 2012 in the Barking and Dagenham Post. There was no requirement for further consultation prior to the publication of the Notice.
- 4.2 Any representations made during the representation period must be considered. At the time of writing this report, no representations had been received and any that are received will be reported at the meeting.

## **5. Financial Implications**

Implications to be verified by: Dawn Calvert, Finance Group Manager

5.1 There are no financial implications.

## **6. Legal Implications**

Implications completed by: Lucinda Bell on behalf of Fiona Taylor, Legal Group Manager

6.1 The School Organisation (Establishment and Discontinuance of Schools) Regulations 2007 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 govern the procedure for these proposals. The legal requirements have been incorporated into the body of this report and the Legal Service has advised on the process throughout.

## **7. Other Implications**

7.1 **Staffing Issues** - The decision not to proceed with the Cabinet decision under Minute 20 (11 July 2012) means that staff at Village Infant School will remain in the Council's employment.

7.2 **Property / Asset Issues** - The proposal to transfer the Village Infant School site and buildings as an asset in trust to the Diocese under a lease at a peppercorn rent of £1 per annum will not now occur.

7.3 **Customer Impact** - There are no equalities issues raised by the recommended decision as it effectively maintains the status quo.

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

- Relevant Legislation – School Organisation (Establishment and Discontinuance of Schools) Regulations 2007 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007
- DFE Guidance – Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form and Closing a Maintained Mainstream School
- Notice Published 8 August 2012
- Cabinet Report and Minutes of 11 July 2012
- Cabinet Report and Minutes of 24 July 2012

**List of appendices:** None