

By: Director - Operations

To: School Organisation Advisory Board – 14 June 2007

Subject: ST JOHN'S CHURCH OF ENGLAND (VOLUNTARY CONTROLLED) PRIMARY SCHOOL, TUNBRIDGE WELLS – PROPOSED CHANGE OF STATUS

Classification: Unrestricted

Summary: This report seeks the views of the School Organisation Advisory Board, on the Governing Body's proposal to seek Foundation status. Members' views will advise the Cabinet Member for Education and School Improvement when he formally responds, on behalf of the County Council, to the school's consultation process.

Introduction

1. (1) The 'School Standards and Framework Act 1998', established the following categories of maintained school:

Community
Foundation
Voluntary (comprising Aided and Controlled)
Community Special
Foundation Special

(2) The Act made detailed arrangements for the allocation of schools to categories when it came into force. Subsequent Regulations, (the 'Education (Change of Category of Maintained Schools) (England) Regulations 2000') provided for all maintained mainstream and special schools to change from their current category to another. This is provided they are not subject to a Formal Warning or have not been placed in a formal category of concern by Ofsted.

(3) A new streamlined route for schools seeking Foundation status was introduced in 2005. Initially this route only applied to secondary schools, but since August 2006 it has also been available to primary schools. There are five key stages: -

- a) Consultation with parents/carers, the Local Authority (including other local schools) and other interested stakeholders
 - b) Publication of statutory proposals
 - c) A four week period for representations
 - d) Decision by the Governing Body
 - e) Implementation Period
- (4) The streamlined process provides for the Governing Body of any maintained

school seeking Foundation status, to determine the outcome of the proposal, without reference to independent adjudication, subject to adherence to the prescribed process set out above.

Background

2. (1) St John's is a large 3FE CE (Voluntary Controlled) Primary School located in the St John's area of Tunbridge Wells. A location map and a site plan are attached as Appendices 1 and 2. It is a popular and successful school that is consistently over-subscribed. It currently has a roll of 659 against a net capacity of 640. A dot map showing its current distribution of pupils is attached as Appendix 3.

(2) Prior to September 2002, St John's operated from separate Infant and Junior departments, located over a mile apart. A major building project provided for the school to consolidate onto the Junior site, from September 2002. There was concern, at the time, about disadvantage, in terms of admission to the school, for parents/carers living closer to the site of the old Infant department.

(3) Following considerable local discussion, a Variation to the Local Authority's 'Ease of Access' criterion, then included in admission arrangements for community and voluntary controlled primary school across Kent, was agreed. The St John's Variation assumed a notional catchment area around the original Infant and Junior departments, giving priority entry to Reception classes to families who lived within it. Appendix 4 shows the notional catchment area.

(4) This Variation remained in place until Cabinet, in March 2006, and following annual consultation processes, determined that 'Ease of Access' should be removed as an over-subscription criterion with effect from September 2007. The consultation had noted Ombudsman criticism about use of an 'Ease of Access' criterion believing it to be confusing to parents/carers, and recommended its removal.

(5) The Authority is aware of only 3 Kent schools, including St John's, Tunbridge Wells, that made routine use of the criterion. These schools objected to its removal but Cabinet determined that clarity and transparency for parents/carers in respect of admission arrangements to all community and voluntary controlled schools should outweigh those concerns.

(6) As a Foundation school, St John's would be able to set its own admissions criteria and re-instate their Variation, subject to other admission authorities not lodging objections with the Adjudicator, and the Adjudicator supporting it, if s/he so determined. The earliest possible implementation date would be September 2009 as the school is now bound by the determination already made in respect of admission arrangements, for September 2008.

The Proposal

3. (1) In accordance with the streamlined route guidance, referred to in 1 (3) above, the Governing Body of St John's is consulting on its proposal to seek Foundation status. A copy of the consultation document, published on 27 April 2007, is attached as Appendix 5 and features on the school's website.

(2) Following a Public Meeting, held on the 8 May 2007, and the close of the consultation, on 26 May 2007, and taking account of all responses received, the Governing Body will determine whether to publish a statutory Public Notice. This would run for a minimum period of four weeks and must be published in a local newspaper, as

well as being displayed at the school and in other prominent places within the local community, such as at a community centre or post office etc.

(3) Following the expiration of any Public Notice, the Governing Body must meet within six months to determine whether to proceed with the change to Foundation status. This decision is final and, if made, the Governing Body then organises a reconstitution process.

Views of the Governing Body

4. The change to Foundation status is the Governing Body's proposal, driven by a belief this change will enable the school to re-instate its Variation to an 'Ease of Access' criterion and so serve its traditional catchment area.

Views of the Local Member

5. The Local Member, Mr Bullock, is a governor at the school and, in the circumstances, supports the proposal.

View of the Rochester Diocese

6. The Rochester Diocese supports the school's proposal for Foundation status.

Views of the Cluster Board

7. The Cluster Board remains undecided about this issue. There are a number of reservations about the possible implications for future admission patterns in the town, that are unresolved.

Views of the Area Education Officer

8. The Area Education Officer understands the reasoning behind the school's proposal.

Resource Implications

Capital

9. (1) If Foundation status is secured, a greater responsibility for funding capital projects will rest with the school, within the increasingly 'levelled playing field' context of successive Local Management of Schools' legislation.

(2) Any land on which the school stands and which is used for the purposes of a maintained school will be transferred to the Governing Body at the point of implementation.

Revenue

(3) All maintained schools are funded by formula under Local Management of Schools legislation and so there are no direct revenue implications when a school moves to Foundation status.

Human

(4) Schedule 3 to the 'Change of Category Regulations' provides for all rights, powers, duties and liabilities to transfer from the Local Authority to the Governing Body. In effect, all employment rights and responsibilities would transfer from the Local Authority to the Governing Body and staff would be directly employed by the Governing Body. As a Voluntary Controlled school, the Governing Body has personnel powers devolved to it, under Local Management, but the Local Authority, as the employer, retains the ultimate responsibilities

(5) Where a Governing Body is seeking to transfer to Foundation status it must also consult under the 'Transfer of Undertakings (Protection of Employment) Regulations 2006' (the TUPE regulations). These Regulations require that employee representatives be informed:

- That the transfer is to take place, when it is to happen and why
- Of the legal, economic and social implications of the transfer for affected employees
- Whether the employer envisages taking any action, such as reorganisation, in connection with the transfer, which will affect the staff, and if so, what action is envisaged

Equality Issues

10. There are no equality issues in terms of ethnicity, gender or disability discrimination with particular regard to this proposal.

Transport and Environmental Impact including Community Implications

11. As a hugely popular school, St John's currently draws the vast majority of its school population from within the local community. Re-introduction of use of the St John's Variation to an 'Ease of Access' criterion could disadvantage parents/carers who do not enjoy the priority afforded to parents/carers living further away but within the notional catchment area drawn around the former Infant department building. This could potentially lead to increased car movements at peak periods of the day, over those necessary under a strict proximity to school criterion that will be in place from September 2007.

School Improvement Implications

12. The proposal carries no particular school improvement implications. It is expected that St John's would continue to be a high performing school.

Links to the Primary Strategy

13. There are no particular links to the Primary Strategy inherent in this proposal.

Proposed Timetable

14. To be in line with the Governing Body's published time-scale.

15. The views of the School Organisation Advisory Board are sought as to what view the County Council, as a consultee, should express in response to the Governing Body of St John's CE (Voluntary Controlled) Primary School's proposal to seek Foundation status.

Chris Lay
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The Local Member is Mr Roy Bullock.

Background Documents:

None

Other Sources of Information:

DfES – Streamlined Route to Foundation Status Guidance