

CABINET

Date of Meeting	Tuesday, 14 th May 2019
Report Subject	School Organisation – Lixwm Community Primary School – Consultation on Proposed Change of Designation from a Community Primary to a Voluntary Aided School.
Cabinet Member	Leader of the Council and Cabinet Member for Education
Report Author	Chief Officer (Education and Youth)
Type of Report	Strategic

EXECUTIVE SUMMARY

The governors of Lixwm Community Primary (CP) school have been investigating sustainable solutions to maintain their school in its local community with other schools, the Diocesan Authority and the Council. This was a task set by Cabinet when they determined in June 2018 not to amalgamate Lixwm CP School with Brynford CP School and Lixwm governors were advised that the ‘status quo’ was not a sustainable option.

This work has culminated in an agreement between the governors of Lixwm CP, and the governors Ysgol Y Esgob Voluntary Aided (VA) School to seek to form a federation between the two schools.

However, the Federation of Maintained Schools (Wales) Regulations 2014 do not allow schools with a faith or trust base such as voluntary aided, voluntary controlled to federate with community schools.

To facilitate consultation on federation, there would be a requirement in the first instance for the Council (with its partners) to consult on an proposed change to the designation of Lixwm school from a CP to a VA primary school under the School Standards and Organisation (Wales) Act 2018

The report provides Cabinet with further detail and requests that Cabinet agree that officers formally consult on change of designation of Lixwm CP.

RECOMMENDATIONS

1	That Cabinet confirms it is satisfied that the Governing Body of Lixwm Community Primary School has explored suitable and sustainable models for provision of education in the Lixwm area.
2	That Cabinet approves that a consultation is undertaken under The School Standards and Organisation (Wales) Act 2018 on a proposal to change the designation of Lixwm County Primary to a Voluntary Aided school in order to facilitate a future federation.

1.00 BACKGROUND

1.01	In June 2018, Cabinet determined not to proceed with the proposed amalgamation of Lixwm CP school and Brynford CP school.
1.02	Since then, the governors of Lixwm CP have investigated possible sustainable solutions to maintain their school in the community with other schools, the Diocesan Authority and officers from the Council.
1.03	This work has resulted in an agreement between the governors of Ysgol Esgob, Caerwys VA school and Lixwm CP to consult formally with their communities on a proposed Federation arrangement between the two schools.
1.04	However, the Federation of Maintained Schools (Wales) Regulations 2014 do not allow schools with a faith or trust base such as voluntary aided, voluntary controlled to federate with community schools.
1.05	Therefore in this case, to enable consultation on federation, there would be a requirement to consult on a proposed change in designation of Lixwm primary school from a County Primary to a Voluntary Aided school. This consultation would be conducted under the school Standards and Organisation (Wales) Act 2018.
1.06	Consultation through this Act would require the Council to be “the proposer” for purposes of formal consultation. Thereafter, Cabinet would be required to determine whether to implement the proposal or not once the consultation responses have been received.
1.07	As per previous consultations all responses to the consultation would be made available to Cabinet. In addition, the Diocesan Authority as a co-founder and a statutory consultee would also need to formally consider their response to the consultation, this will be provided to Cabinet at the time that determination on the proposal is being considered.
1.08	In terms of any subsequent Federation proposals these would be considered and determined by the Governing bodies themselves.
1.09	As stated earlier in the report, the Diocesan Authority have been actively involved in discussions with the Council and Schools. They are supportive of a strategy which proceeds to consultation on change of designation,

	leading to consultation on federation.
1.10	The governors of Ysgol Y Esgob, Caerwys have informally consulted with their key stakeholders on the prospect of Federation with Lixwm CP. Feedback from their stakeholders was positive. Appendix 1 – Letter from Chair of governors of Ysgol Y Esgob.
1.11	The governors of Lixwm CP have informally consulted with their key stakeholders on the prospect of change in designation to a VA school and the prospect of Federation with Ysgol y Esgob. Feedback from their stakeholders was also positive. Appendix 2 – Letter from Chair of governors of Lixwm CP.
1.12	Should Cabinet agree to consult on a change in designation for Lixwm CP, then officers from the Council will assume the lead role. However, the production of the consultation documentation and consultation events will be a collaborative with process with the Diocesan Authority and both governing bodies.
1.13	Whilst the process of change of designation and federation is complicated by separate Acts. It is feasible with appropriate consultation documentation design and timing of sequence to enable the two processes (change in designation & federation) to run concurrently.
1.14	The anticipated timeline for the proposed consultation processes is attached as Appendix 3.

2.00	RESOURCE IMPLICATIONS
2.01	The proposed consultation would be managed by the school modernisation team.
2.02	The proposed change of designation of Lixwm CP school to a VA school would result in the school being eligible for consideration of funding through the Diocesan Authorities Capital Repairs and Maintenance Programme (CRAMP). In addition, external grants specifically have been made available to the VA sector through Welsh Government (WG) VA grants programme. Such grants are funded on an 85% intervention rate from WG.
2.03	Should the proposals proceed, there is a specific statutory requirement to transfer to the Diocese the land and buildings (except for the playing fields) used by the school. This would be carried out subject to a reverter which would transfer the land and buildings back to Flintshire County Council should the Diocese stop using buildings as a faith school. This would result in a modest legal cost for the Council and the Diocesan Authority to action this through appropriate agreement.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Meetings have been held between officers, the Diocesan Authority and governor representatives of the two schools as noted in the body of the report and associated appendices.
3.02	Consultation will be carried out in accordance with the School Standards and Organisation (Wales) Act 2018 and the Federation of Maintained Schools (Wales) Regulations 2014.

4.00	RISK MANAGEMENT
4.01	The Education and Youth Programme Board is set up to oversee the implementation business plans and manage risks.

5.00	APPENDICES
5.01	Appendix 1 – Letter from the Governors of Ysgol Y Esgob VA School Appendix 2 - Letter from the Governors of Lixwm CP School Appendix 3 – Anticipated consultation timeline

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>School Organisation Code – The School Standards and Organisation (Wales) Act 2018 https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf</p> <p>The Federation of Maintained Schools (Wales) Regulations 2014 https://www.flintshire.gov.uk/en/PDFFiles/Schools/School-Modernisation/Federation-process-of-maintained-schools-in-Wales.pdf</p> <p>Contact Officer: Damian Hughes Telephone: 01352 704135 Email: damian.hughes@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	School Organisation Code – The new School Standards and Organisation (Wales) Act 2013 makes Local Authorities responsible (rather than the Welsh Ministers prior to October 2013) for the determination of most statutory school organisation proposals that receive objections. Such provisions apply to any proposals published on or after 1st October 2013 that consider the establishment, discontinuance or otherwise significantly alter schools.

Federation – The federation of schools is a legal process which enables schools to work together through a formal structured process by sharing a governing body that will make decisions in the best interest of all the schools, staff and pupils in that federation.

The Welsh Government have brought in new regulations around federation of maintained schools in Wales. The Federation of Maintained Schools (Wales) Regulations 2014 which came into force on 22 May 2014 gives effect to Council's powers to federate schools. (School governors already have powers to federate by choice under provisions introduced in 2010). These powers have now been consolidated into the 2014 Regulations.

Community schools – these are owned and run by the local authority, and it is the local authority which sets the entrance criteria and decides which children are eligible for a place.

Voluntary aided schools – these are run by a voluntary organisation and enjoy greater policy and financial independence than voluntary controlled schools. They tend to be religious or faith schools, in Wales typically the Roman Catholic Church or Church in Wales. The governing body employs the staff and sets the entrance criteria and the school buildings and land are usually owned by a charity (often the church).