

CABINET

Date of Meeting	Tuesday, 17 th December 2019
Report Subject	School Modernisation – School Standards and Organisation Act 2018 – Lixwm School Re-designation
Cabinet Member	Leader of the Council & Cabinet Member for Education
Report Author	Chief Officer (Education and Youth)
Type of Report	Operational

EXECUTIVE SUMMARY

To inform of the responses received during the statutory consultation period to re-designate Lixwm Community Primary (CP) to a Voluntary Aided (VA) school to facilitate future opportunities for federation.

To invite Cabinet to determine whether to proceed with a statutory proposal to change the school designation.

RECOMMENDATIONS

1	Cabinet is requested to carefully consider the responses received during the statutory consultation period and the evidence and analysis provided by officers contained within the consultation report.
2	Cabinet is requested to determine whether to proceed to the next stage of the statutory proposals to re-designate Lixwm County Primary school.

REPORT DETAILS

1.00	BACKGROUND
1.01	In June 2018, Cabinet decided not to proceed with the amalgamation of Brynford CP School and Lixwm CP School.
1.02	Since this decision the Governing Body of Lixwm CP school and education officers from the Anglican Diocese of the Church in Wales (referred to in this report as the Diocese) have been in proactive discussions to strengthen the existing relationship between the school and the Anglican Church, with a long term ambition to pursue a federation with a local school of the same designation.
1.03	However, as school designation changes are required to follow the legal framework of the School Standards and Organisation (Wales) Act 2018, it is not possible to simply change the categorisation of Lixwm CP school without working through statutory process.
1.04	Additionally, federation of schools are required to follow the legal framework of the Federation of Maintained Schools (Wales) Regulations 2014. These regulations do not allow schools with a faith or trust base such as voluntary aided or 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 CP school to a VA school. That consultation would need to be conducted under the school Standards and Organisation (Wales) Act.
1.06	<p>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.</p> <p>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.</p>
1.07	As stated earlier, there has been proactive engagement between the Diocesan Authority, the governors of Lixwm CP School and officers from the Council. This cumulated in a formal request on 21 March 2019 from Lixwm governors for the Council to request that re-designation be explored through the formal consultation process.
1.08	Consequently, in May 2019, Cabinet approved to proceed with a consultation on a proposal to change the designation of Lixwm CP school.
1.09	A formal consultation period opened on 26 September 2019 and closed on 11 November 2019.

1.10	The consultation report is attached as Appendix 1. In summary the Council received 36 online responses during the consultation period with 35 (97%) of respondents in favour of the proposal and 1 (3%) opposed to the proposal.
1.11	<p>A Children and Young People's document was specifically produced to enable their appropriate participation in the consultation.</p> <p>Additionally, the Council hosted consultation events with the School Council of Lixwm CP School and those of the seven potentially affected schools. Sessions were held as follows:</p> <ul style="list-style-type: none"> • 09 October 2019 at Ysgol Rhos Helyg, Rhosesmor; • 10 October 2019 at Lixwm Community Primary School; • 14 October 2019 at Ysgol y Foel, Cilcain; • 14 October 2019 at Ysgol yr Esgob CiW VA, Caerwys; • 16 October 2019 at Ysgol Maes-y-Felin, Holywell; • 22 October 2019 at Ysgol Bro Carmel; • 04 November 2019 at Nannerch VC Primary School; and • 05 November 2019 at Brynford Community Primary School. <p>The summary of the outcome of these events can be found in figure 6, para 13.5 of the Consultation Report (Appendix 1) with their full responses noted in Appendix D and their ballot papers in Appendix E of the Consultation Report.</p> <p>There were no concerns or issues raised by children and young people during the consultation period.</p>
1.12	The Diocese of St Asaph, the Local Member and the Chairs of Governors of both Lixwm CP and Caerwys VA schools, have all responded positively to the proposals. Their responses are noted in Appendix B of the consultation document.
1.13	Estyn have also responded formally to the consultation. Their conclusion is that the proposed new arrangement will at least maintain the standards and outcomes for pupils in the area. Estyn's full response is noted in Appendix C of the consultation report.
1.14	Should Cabinet agree to proceed, the Council will publish a Statutory Notice providing a 28 day notice period for objections. If objections are received, the Council must publish a report providing a summary of the objections and their responses to them. This report would be brought back to Cabinet in March 2020. The Statutory timeline is attached as Appendix 2.

2.00	RESOURCE IMPLICATIONS
2.01	Should Cabinet agree to proceed the onward process 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 currently 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	IMPACT ASSESSMENT AND RISK MANAGEMENT													
3.01	Under the five delivery principles of the Well-being of Future Generations Act this report will have the following impacts:													
	<table border="1"> <thead> <tr> <th>Ways of Working Principle</th> <th>Impact</th> </tr> </thead> <tbody> <tr> <td>Long-term</td> <td>Positive – assists in helping secure the future of small schools in their local communities.</td> </tr> <tr> <td>Prevention</td> <td>Positive – Long term provides the possibility of a strong federation between two schools and communities.</td> </tr> <tr> <td>Integration</td> <td>No Change.</td> </tr> <tr> <td>Collaboration</td> <td>Positive – Whilst collaboration is already in existence, there is potential that this could be grown further with a federal arrangement.</td> </tr> <tr> <td>Involvement</td> <td>Positive –potential to promote greater community integration, use and involvement across two communities.</td> </tr> </tbody> </table>	Ways of Working Principle	Impact	Long-term	Positive – assists in helping secure the future of small schools in their local communities.	Prevention	Positive – Long term provides the possibility of a strong federation between two schools and communities.	Integration	No Change.	Collaboration	Positive – Whilst collaboration is already in existence, there is potential that this could be grown further with a federal arrangement.	Involvement	Positive –potential to promote greater community integration, use and involvement across two communities.	
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3.02	Against the seven well-being goals of the Act, the potential impact of the report and its recommendations would be evaluated as follows:-													
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	Resilient Wales	Positive impact – provide a platform for small schools to thrive in their communities and maintain the delivery of education more effectively through joint working
	Healthier Wales	Neutral Impact – Wellbeing is already embedded in school culture
	More Equal Wales	Neutral Impact – Equalities Impact Assessments are already embedded in school culture.
	Cohesive Wales	Positive Impact -Potential to develop greater community cohesion between two school and their communities.
	Vibrant Wales	Positive Impact – A move toward federation, will benefit the curriculum and extra-curricular offer for pupils
	Globally Responsible Wales	Neutral Impact

4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	Consultation has taken place in accordance with the statutory School Organisation Code 2018.

5.00	APPENDICES
5.01	<p>Appendix 1 – The Formal Consultation Report with Appendices</p> <ul style="list-style-type: none"> A – List of Consultees B – Correspondence Received C – Response from Estyn D – Children and Young People’s Responses E – School Council Ballot Papers <p>Appendix 2 – Statutory Proposal Anticipated Timeline.</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	School Organisation Code – The School Standards and Organisation (Wales) Act 2018

6.02	<p>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</p> <p>https://www.flintshire.gov.uk/en/PDFFiles/Schools/School-Modernisation/Federation-process-of-maintained-schools-in-Wales.pdf</p>
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7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Damian Hughes Telephone: 01352 704135 Email: damian.hughes@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
	<p>School Organisation Code – The new School Standards and Organisation (Wales) Act 2018 makes Local Authorities responsible (rather than the Welsh Ministers prior to October 2018) for the determination of most statutory school organisation proposals that receive objections.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p>