

## CABINET

<b>Date of Meeting</b>	Tuesday, 17 <sup>th</sup> March 2020
<b>Report Subject</b>	School Modernisation – The School Standards and Organisation (Wales) Act 2013 - Lixwm School Re-designation
<b>Cabinet Member</b>	Leader of the Council and Cabinet Member for Education
<b>Report Author</b>	Chief Officer (Education and Youth)
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

Lixwm Community Primary School (CP) is actively seeking opportunities to ensure that educational provision in the area is viable and sustainable and is considering federation with another school in the area who is seeking a similar arrangement. In order for this to happen, Lixwm CP has to change its status from a maintained school of the Council to a school which is Voluntary Aided. The Council and the Diocese of the Church in Wales have been supportive of this proposal and have both worked with the governing body through the appropriate statutory processes.

The purpose of this report is to inform Cabinet of the responses received during the objection period to re-designate Lixwm CP to a Voluntary Aided (VA) school and to recommend to Cabinet that they should support the change to its designation.

### RECOMMENDATIONS

1	Cabinet should proceed with the proposal to re-designate Lixwm Community Primary School as a Voluntary Aided (VA) school.
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## **REPORT DETAILS**

<b>1.00</b>	<b>BACKGROUND</b>
1.01	In June 2018, Cabinet decided not to proceed with the proposed 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 the 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 onward consultation on federation, there is 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 to the Council to request that re-designation be explored through the formal consultation process.
1.08	Consequently, in May 2019, Cabinet agreed to proceed with a consultation on a proposal to change the designation of Lixwm CP school.
1.09	The formal consultation period opened on 26 September 2019 and closed on 11 November 2019.

1.10	In December 2019, Cabinet considered the responses received during the consultation period and agreed to continue to the objection period for the proposal to change the designation of Lixwm CP school.
1.11	The formal objection period opened on 14 January 2020 and closed on 14 February 2020.
1.12	No objections were received during the objection period, therefore an objection report is not required.
1.13	Should Cabinet approve the change in designation, this would come into effect from 1 <sup>st</sup> September 2020.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Subject to Cabinet agreement, the onward process would be managed by the school modernisation team.
2.02	Again subject to Cabinet agreement, 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.

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>										
3.01	<p><b>Ways of Working (Sustainable Development) Principles Impact</b></p> <table border="1"> <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> </table>	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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<b>Well-being Goals Impact</b>	
Prosperous Wales	Positive impact- Working in collaboration with another school will allow potential for continued improvement and longer term sustainability of an educational asset in the village
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

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

<b>5.00</b>	<b>APPENDICES</b>
5.01	N/A

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	School Organisation Code – The School Standards and Organisation (Wales) Act 2018  <a href="https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf">https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf</a>
6.02	The Federation of Maintained Schools (Wales) Regulations 2014  <a href="https://www.flintshire.gov.uk/en/PDFFiles/Schools/School-Modernisation/Federation-process-of-maintained-schools-in-Wales.pdf">https://www.flintshire.gov.uk/en/PDFFiles/Schools/School-Modernisation/Federation-process-of-maintained-schools-in-Wales.pdf</a>

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<p><b>Contact Officer:</b> Damian Hughes</p> <p><b>Telephone:</b> 01352 704135</p> <p><b>E-mail:</b> <a href="mailto:damian.hughes@flintshire.gov.uk">damian.hughes@flintshire.gov.uk</a></p>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<p><b>School Organisation Code</b> – 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><b>Federation</b> – 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><b>Community schools</b> – 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><b>Voluntary Aided schools</b> – 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>