

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

22 June 2021

PROPOSAL BY THE GOVERNORS OF DANBY CHURCH OF ENGLAND PRIMARY SCHOOL TO CHANGE THE CATEGORY OF DANBY CHURCH OF ENGLAND PRIMARY SCHOOL FROM VOLUNTARY CONTROLLED TO VOLUNTARY AIDED

Report by the Corporate Director – Children and Young People’s Service

1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to recommend to the Chief Executive Officer that he use his emergency delegated powers to determine the proposal published by the Governing Body of Danby CE Primary School to change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16 September 2021.

2 EXECUTIVE SUMMARY

- 2.1 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the 2020 Regulations”), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, Committee business should be continued via the Chief Executive Officer making urgent decisions that would previously have been made by the Council’s committees, under his emergency decision making powers in the Officers’ Delegation Scheme, in consultation with other Officers and Members as appropriate. The Committee’s views and recommendations will be reported to the Chief Executive Officer for him to take into account when taking the formal decisions.
- 2.2 Danby Church of England Voluntary Controlled Primary School has for a number of years worked in close collaboration with Egton Church of England Voluntary Aided Primary School. In February 2021, the governing bodies of the two schools consulted on formally establishing a Federation from 16 September 2021, and changing the category of Danby CE Primary School from voluntary controlled to voluntary aided from 16 September 2021. The proposal to federate was approved by both governing bodies on 15 April 2021.
- 2.2 On 15 April the Danby VC Governing body considered the responses to the consultation on changing the category of the school and decided to approve the publication of Statutory Proposals and Notices for the proposal. They also resolved to ask the Local Authority to schedule making a final decision on the proposal following the further four week statutory representation period.
- 2.3 This followed careful consideration of the responses to public consultation carried out by the Governors.
- 2.4 The statutory proposals were published on 29 April, giving 4 weeks until 27 May 2021 for representations to be made.
- 2.5 This report is supported by a number of Appendices as listed below:

- Appendix 1: Public Notice in accordance with section 19(3) of the Education and Inspections Act 2006
- Appendix 2: Statutory Proposal
- Appendix 3: Consultation Document and Responses Received
- Appendix 4: School Organisation Guidance for Decision-makers
- Appendix 5: Equality Impact Assessment

3 MAKING CHANGES TO SCHOOL PROVISION

- 3.1 The Education and Inspections Act 2006 revised the procedures for making changes to school provision. These are set out in regulations which came into force in January 2014¹

4 BACKGROUND TO PROPOSALS

- 4.1 Danby is a rural Church of England primary school in the Diocese of York serving the village of Danby and the surrounding area. It caters for children between the ages of rising 5 and 11 years. The school currently has 28 children, with an expected intake of five children in September 2021.
- 4.2 At the last OFSTED inspection in May 2018, the school was judged to have been 'Requires Improvement'. At the last SIAMS inspection (Statutory Inspection of Anglican and Methodist Schools) in June 2018 the school was judged to be "Good". Since April 2018 Danby School has had a substantive Headteacher in post who has led a programme of significant improvements across the school. The school currently self-evaluates itself as 'Good' in all areas.
- 4.3 Danby has for a number of years worked in close collaboration with Egton Church of England Voluntary Aided Primary School and the Headteacher has been leading both Danby and Egton since 1 April 2018.
- 4.4 These proposals to change the category of the school from VC to VA were made in the context of the parallel consultation on a proposal for Danby Governing Body and the Egton Governing Body to formally establish a Federation from 16 September 2021. The proposal to federate was approved by both governing bodies on 15 April 2021 and will see the two schools work together under a single Governing Body, and collectively benefit from that shared governance.

5 THE PROPOSALS AND REASONS FOR THE PROPOSALS

- 5.1 The School's Governing Body proposes:
- To change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16th September 2021.
- 5.2 The reasons listed below are the key reasons for the Governors' proposal as set out in their consultation document and in the Statutory proposal:
- 5.3 Greater protection of, and the ability to further develop, Danby's Church School Ethos

¹ The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Governors state that as a Voluntary Aided school, Danby would have greater formal links with the Diocese and local Church whilst maintaining a strong and effective relationship with North Yorkshire County Council, and would be able to enhance provision for Religious Education (RE) teaching and learning.

5.4 More effective joint working with Egton Church of England Voluntary Aided Primary School (“Egton”) due to increased alignment

Danby C.E Governors state that joint working with Egton School would be enhanced should Danby become a Voluntary Aided School in line with these proposals due to greater alignment between the two schools. For example:

- The schools would have the same RE syllabus enabling greater shared provision;
- The federated Governing Body would be the single employer of staff, making shared staffing arrangements in appropriate cases easier; and
- The inspection processes under the SIAMS framework would be more aligned.

With greater similarities between the schools, the Danby V.C Governing Body believe that even greater benefit can be obtained from this Federation.

6 CONSULTATION UNDERTAKEN AND RESPONSES

- 6.1 The consultation period ran from 11 February 2021 to 25 March 2021. Consultation documents were distributed to a wide range of stakeholders and one response was received, a copy of the consultation document and consultation response is included in Appendix 3.
- 6.2 On 15 April, the Governing Body of Danby C.E V.C Primary School considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

7 STATUTORY PROPOSALS AND NOTICES

- 7.1 The statutory proposals and public notices were published on 29 April 2021. The public notice, placed on the school gate and in the Whitby Gazette newspaper, invited written objections or comments to be submitted by 27 May 2021. A copy of the notice is attached as Appendix 1. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council’s website. A copy of the proposal is attached as Appendix 2.
- 7.2 Following the publication of the Statutory Notices, no responses were received by the end of the notice period on 27 May 2021.

8 FINANCIAL IMPLICATIONS

- 8.1 The majority of capital for Voluntary Aided Schools is provided by Central Government through the ‘Voluntary Aided Programme’ but the Governing Body is required to make a 10% contribution.
- 8.2 Department for Education guidance for decision makers, contained within ‘Making significant changes (‘prescribed alterations’) to maintained schools, states:

For a proposal to change the category of a school to voluntary-aided, the decision maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

The Governing Body have stated they are confident that they can meet the required 10% contribution as they generate additional income via a School Direct Teacher Training Programme and this funding is ring-fenced for this purpose.

8.3 The change in category would not affect the School's Revenue Funding.

9 LEGAL IMPLICATIONS

REGULATIONS AND GUIDANCE

9.1 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the regulations for consideration and determination of proposals by the local authority. Careful regard has been had to these provisions

PRELIMINARY CHECKS

9.2 The Decision Maker must consider, on receipt of each proposal:

- whether any information is missing;
- whether the published notice of the proposal complies with statutory requirements;
- whether the statutory consultation has been carried out prior to the publication of the notice;
- and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive to proceed to determine this proposal

TYPES OF DECISION THAT CAN BE MADE

9.3 In considering proposals for making changes to school provision, the Executive, as Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification;
- approve the proposals subject to them meeting a specific condition.

9.4 The relevant guidance for decision makers is attached to this report as Appendix 4.

10 PROCEDURE FOR THE MEETING

10.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:

- (a) The decision maker must have regard to the Decision Makers' Guidance and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.
- (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

11 REASONS FOR THE RECOMMENDATION.

11.1 Views of Interested Parties

This proposal has been put forward by the school governing body and is supported by the Diocese.

12 HUMAN RIGHTS IMPLICATIONS

12.1 There are no Human Rights issues in relation to this issue.

13. OTHER IMPLICATIONS

13.1 An Equality Impact Assessment has been undertaken in respect of this proposal and has found no adverse impact.

14 RECOMMENDATIONS

14.1 Subject to any comments made at this meeting, Executive members are asked to note that the required preliminary checks have been undertaken, and to propose the following to the Chief Executive Officer for consideration under his emergency delegated powers:

- i. That the issues listed above in paragraph 9.2 have been satisfied and there can be a determination of the proposals.
- ii. Subject to (i), the category of Danby CE Primary School from voluntary controlled to voluntary aided be changed with effect from 16 September 2021.

Stuart Carlton
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List of Appendices:

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