



Purpose: For Delegated Decision

Delegated decision report

DECISION UNDER DELEGATED POWERS

DECISION CANNOT BE TAKEN BEFORE MONDAY, 11 JANUARY 2010

Title	SCHOOL ORGANISATION – DECISION ON THE VIABILITY OF A FEDERATION PROPOSAL FOR CHALE CE VC PRIMARY SCHOOL
Report of the	THE LEADER & MEMBER FOR GOVERNANCE & SCHOOL IMPROVEMENT AND THE CABINET MEMBER FOR CHILDREN, SOCIAL CARE, HEALTH & HOUSING

PURPOSE

1. Following resolution of the Cabinet in its meeting of the 1 October 2009, in its capacity under the Isle of Wight Council Constitution as the policy body for education, this paper is presented for delegated decision of the Leader and Cabinet Member for Governance and School Improvement and the Cabinet Member for Children, Social Care, Health and Housing, in respect of a proposal from the Governing Body of Chale CE VC Primary School for federation with the new Rural Primary School.
2. To determine whether the proposal received from the Governing Body of Chale CE VC Primary School meets the policy and objectives set by the Council in the resolution, in respect of Chale CE VC Primary School, passed at the Cabinet meeting of 1 October 2009.
3. If the Chale CE VC Primary School proposal for federation is deemed to meet the policy and objectives of the Isle of Wight Council and offer long term educational viability for the school, to determine the publication of a revocation notice in respect of the statutory notice for closure, on the 31 August 2010, which was passed for implementation in the resolution of the Cabinet meeting of the 1 October 2009.

BACKGROUND

4. For a considerable period of time the Council has been examining the effectiveness, efficiency and viability of its current system of school organisation. This debate has taken place within the context of 'Why we need to change', as set out in the booklet 'which way forward for Island education?' published in January 2008. The rationale for change was fully set out in the Cabinet report paper and its associated appendices of the 24 November 2008, which can be accessed at

<http://www.iwight.com/council/committees/cabinet/24-11-08/agenda.pdf> . Following full consultation on the statutory notices, in respect of each school, a Full Council meeting of the 30 September 2009 made recommendation for decision to a Cabinet meeting on the 1 October 2009, in respect of each school. The papers, associated appendices and record of decision for the meeting of 30 September can be accessed at <http://www.iwight.com/council/committees/mod-council/30-9-09/agenda.pdf> and <http://www.iwight.com/council/committees/mod-council/30-9-09/minutes.pdf>. The papers associated appendices and record of decision for the meeting of 1 October 2009 can be accessed at <http://www.iwight.com/council/committees/cabinet/1-10-09/agenda.pdf> and <http://www.iwight.com/council/committees/cabinet/1-9-09/minutes.pdf>.

5. Twenty four representations were made to the statutory notice for the closure of Chale CE VC Primary School, as set out in Appendix A of the Full Council report of 30 September 2009. Officers have supported the closure of Chale CE VC Primary School in the options put to consultation. The officers' view is based on detailed analysis of the school's demography, future long term viability, the quality of educational provision which can be provided and the value for money offered by the provision. From this analysis the officers' view has been from the beginning of the school reorganisation process that Chale CE VC Primary School can not be sustained in the future without disproportionate funding to that necessary to sustain other primary schools. The projected numbers on roll for the school will not provide a sufficient pupil entity to ensure a quality of education and opportunity for its pupils. That sufficient schools of quality and appropriate viability exist within reasonable travel of the Chale community to avoid any undue hardship to individual pupils or families in the closure of the school.
6. Following detailed and extensive debate in the Full Council meeting of the 30 September 2009 it was resolved that the statutory notice for closure should be implemented. Full Council also recommended to the Cabinet that if the Governing Body of Chale CE VC Primary School were to present the Isle of Wight Council with a proposal for federation, then a delegated decision should be taken in respect of any proposal by the Leader and Cabinet Member for Governance and School Improvement and the Cabinet Member for Children, Social Care, Health and Housing. If any proposal for federation were to be approved then a revocation notice in respect of the decision for closure would be published. These recommendations were approved by the Cabinet meeting of the 1 October 2009.
7. Subsequently to this decision the Leader and Cabinet Member for Governance and School Improvement provided the Headteacher and Governing Body of Chale CE VC Primary School with further guidance, as set out in Appendix A of this paper, on the requirements of any proposal for federation.
8. On the 18 November 2009 the Leader and Cabinet Member for Governance and School Improvement together with the Assistant Director for Children and Young People (Project Director for School Organisation) met with the Chair of Governors for Chale CE VC Primary School and received a proposal for federation of the school with the new Rural Primary School, this proposal is set out in Appendix B of this paper. Officers provided an analysis of this proposal, as set out in Appendix D, and the Leader and Cabinet Member for Governance and School Improvement responded to the Chair of Governors on the 25 November 2009. This led to a

request for further information on what determined a valid proposal and officers responded on the 28 November 2009 as set out in Appendix E.

9. Further comments were received from the Chair of Governors on the 30 November 2009. These comments are covered in this paper and the Leader and Cabinet Member for Governance and School Improvement will provide a full officers' response to the Chair of Governors.
10. The proposal requests federation with the new Rural Primary School. It is for a hard federation with a single leadership and governance. The Chale school site would operate under the proposal, as a 4 to 7 age range infant school.
11. In order to provide a full view of the proposal the schools, Chillerton and Rookley Primary School, Godshill Primary School and Wroxall Primary School, which will amalgamate to form the new Rural Primary School were consulted on the proposal. All responded that they would not support the proposed federation.

STRATEGIC CONTEXT

12. As set out in the previous report to Cabinet for the meeting on 24 November 2008, the subsequent Full Council of 30 September 2009 and the Cabinet meeting of 1 October 2009 school re-organisation is a key objective of the Council. The aims of the school re-organisation are to raise the educational standards and the provision of wider opportunity for all young people of the Island. The achievement of these goals is not only essential in enabling them to secure their future and economic well-being but is integral to the economic regeneration of the Island. The overall impact of the proposed school organisation will contribute to the achievement of the Eco-Island themes of providing a thriving and inspiring Island, in which young people achieve their full potential.
13. Achieving a final decision on Chale CE VC Primary School is integral to the process of school re-organisation. To be valid and require the publication of the revocation notice the proposal of Chale CE VC Primary School must be:
 - within policy as previously set by the Council. The proposed federation must be a hard federation with single leadership and achieve at least a stable one form entry;
 - the criteria provided to the school as set out in Appendix A of this paper.

CONSULTATION

14. The outcomes of the formal consultation process, as part of the statutory process under section 9 (in relation to proposals to open schools) and section 16 (in relation to proposals for closing schools) of the Education and Inspection Act 2006, for the proposals for school re-organisation were fully set out in the Cabinet report and the associated Appendix C of the 24 November 2008, the Cabinet report and associated Appendix A of the 31 March 2009, the Full Council report and associated appendices of 30 September 2009 and the Cabinet report and associated appendices of the 1 October 2009.
15. The main groups consulted were:

- the parents, governing body and staff of all schools where closure or closure and amalgamation was proposed;
 - the parents, governing body and staff of all schools, by area where enlargement or federation was proposed;
 - the wider public through open public meetings;
 - Town and Parish Councils;
 - Early Years providers;
 - the Diocesan Authorities for both the Church of England and Roman Catholic faiths;
 - the Hampshire and Isle of Wight Learning and Skills Council;
 - Professional Association and Union representatives.
 - Focus groups of young people.
16. No further consultation is required in respect of the Chale CE VC Primary School proposal for federation with the new Rural School. If decision is made to proceed with the proposal for federation the Governing Body of Chale CE VC Primary School and the Temporary Governing Body of the new Rural Primary School, once formed, must consult with their respective parent groups on an instrument of federation before a formal hard federation can be put in place.
17. This delegated decision did not appear in the Forward Plan as the decision of the Cabinet meeting of 1 October 2009 did not require action by the decision-maker unless a proposal for federation was brought forward by Chale CE VC Primary School. Now that such a proposal has been submitted a decision is required. In respect of this matter the Leader and Cabinet Member for Governance and School Improvement has consulted with the Vice-Chair of Scrutiny who has acknowledged the need for this decision and the reason for it not appearing on the Forward Plan.

FINANCIAL / BUDGET IMPLICATIONS

18. There are no further financial or budget implications in proceeding with the closure of Chale CE VC Primary School as set out in the decision of the Cabinet meeting of 1 October 2009. All costs in this action are contained within the school organisation budget.
19. In any decision to approve the Chale CE VC Primary School proposal for federation the long term budget viability of the school must be considered. The proposal demonstrates that the school can, in the short term, be viable within budget if it becomes a 4 to 7 age range infant school as part of the proposed federation. However, the proposal does not sufficiently take account of the long term indicative roll for the school, which would be some 14 to 16 pupils, in total, for the 4 to 7 age range, this would not provide a viable budget position and might well require the school to receive a disproportionate level of funding per pupil, as now, with the funding for each pupil in the 2009 to 2010 financial year at £7,700 against the Local Authority primary school average of £3,477 per pupil.
20. Such a position of disproportionate funding would not provide value for money or be acceptable to the Schools Forum in sustaining Chale CE VC Primary School in the future. The Council and the Schools Forum are charged in spending their finite resources prudently for the benefit of all pupils. To approve a proposal which would

ensure disproportionate funding and limited quality of provision for young people would not be prudent use of public funds.

LEGAL IMPLICATIONS

21. The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, together with both statutory and non-statutory guidance on the process for making changes to school provision provide the legal basis for the Council's decision making process. The Full Council meeting of 1 September 2009 made recommendation to Cabinet, as the decision-maker, for its meeting of the 1 October 2009. The decision of that meeting was to implement the statutory notice for the closure of Chale CE VC Primary School with effect from the 31 August 2009. The decision allowed for consideration of the publication of a revocation notice to the notice for closure if the Governing Body of Chale CE Primary School submitted a proposal for federation to the Council by 1 December 2009.
22. Now that a proposal for federation has been received from the Governing Body of Chale CE VC Primary School the decision-maker must make a delegated decision, as determined by the Cabinet meeting of 1 October 2009, in respect of this proposal, so that the final position of the school in the re-organisation process can be established.

EQUALITY AND DIVERSITY

23. There are sufficient options within the proposals already approved by the Cabinet to meet the diversity and access tests of the Education and Inspections Act 2006. For primary the approved proposals offer access to a range of school size and type, including Foundation/Trust and denominational status.
24. Already a significant number of parents in the Chale CE VC Primary School priority area make a preference to send their children to an out of area school. Historically the school has only admitted some 50% of those children of primary age living within its priority area. Admission in September 2009 saw only three children, all of whom live within the school's priority area, enter the school in Year R. The current position in the admission round for September 2010 has seen only two parents, again from within the school's priority area; make Chale their first preference school. It is clear that many parents already prefer to take their children to schools other than Chale. This position is unlikely to change if the proposed federation were to proceed.
25. The proposal for the Chale site to operate as a 4 to 7 school will require an additional transition for children attending Chale to all other children across the Island. It is clear that each transition for pupils carries some risk in their achievement. Therefore, the additional transition built into this proposal will potentially create an inequality of opportunity for some or all young people and this would not meet the test for improvement of provision for children with SEN/LDD needs.
26. The proposal suggests that the achievement of a federation will reduce the travel need for young children. However, currently many children already living within the Chale priority area travel outside of it for their education. Of those children attending the school some 70% travel each day, with ten pupils receiving free bus travel. The Council has put in place clear provision for the home to school primary transport as

part of the re-organisation process. If the proposal to federate Chale is not approved only a small number of children will incur additional travel to school. Given this position and the fact that there are three primary schools within the DCSF reasonable travel guidelines distance of Chale School there is no issue of access, if the proposal for federation is not approved.

RISK MANAGEMENT

27. There is a strategic risk identified in the Council's Strategic Risk Register relating to school organisation. The project has clear terms of governance with a monthly meeting of a Director's Strategic Board and a Members oversight Board. Currently the overall risk status of the school re-organisation is at green.
28. As required by the decision of the Cabinet meeting of the 1 October 2009, now that a proposal for federation has been received, the decision-maker must make a decision to accept or reject the proposal. Failure to make a decision at this stage provides unnecessary anxiety, disruption and further uncertainty to the pupils, parents and staff of Chale CE VC Primary School.
29. In any decision to accept the federation proposal and publish a revocation notice to the approved statutory notice for closure of the school the decision-maker must be satisfied that the federation proposal meets the Council's policy requirements for school re-organisation. Approval of the proposal for federation without this criteria being met could put at risk of challenge decisions already made in respect of individual schools.
30. In making a decision the decision-maker must be cognisant of the limitations they have in approving a federation. Final decision on the federation of any group of schools can only be made by the governing bodies of the federating schools. In the case of the proposal Chale CE VC Primary School wish to federate with the new Rural Primary School, which is not yet established. The Council, as the decision-maker, can only make recommendation to the Temporary Governing Body of this new school, once established, that they consult on federation with Chale CE VC Primary School. To go further would exceed the powers of the Council and put the decision-making process at risk. A decision of recommendation only, in respect of the proposal does not meet the criteria originally set out for approval of a federation proposal.

OPTIONS

31. Option A
To accept the Chale CE VC Primary School proposal for federation and to publish a revocation notice in respect of the approved statutory notice for the closure of Chale CE VC Primary School.
32. Option B
To reject the Chale CE VC Primary School proposal for federation and not to publish a revocation notice in respect of the already approved statutory notice for the school's closure on 31 August 2010

33. Option C
To extend the time period in which Chale CE VC Primary School can modify and further present its proposal for federation.

EVALUATION

34. Option A
The proposal, though outside of the Council's current policy for school re-organisation, is one of a hard federation with a single leadership and therefore, does in part meet the criteria for acceptance. The proposal also provides short term financial viability to the school, as a 4 to 7 age range infant school. The proposal would meet the community desire for the retention of educational provision within the village.
35. If the Council, as decision-maker, were to accept the proposal it can only make recommendation to the Temporary Governing Body, of the new Rural Primary School, when established, to consult the new school's parent body on federation with Chale CE VC Primary School. There is no guarantee that this proposal would be acceptable to the governors and parent body of this new school. In this respect the proposal does not meet the criteria set for acceptance. Any publication of a revocation notice to the approved statutory notice for closure of Chale CE VC Primary School would require completion of the new Rural Primary School's parent consultation and the achievement of an approved instrument of federation between Chale CE VC Primary School and the new Rural Primary School, as required in the criteria for acceptance in Appendix A. Furthermore, the chairs of the governing bodies at the three amalgamating schools have already verbally indicated that they do not support the federation proposal, and it is therefore very likely that this view would be carried across to the new governing body, and a rejection of the federation request would follow.
36. In accepting the proposal the Council will have to change its current policy for primary schools, in that the proposal will create a 4 to 7 age range infant school. Policy is currently only to have 4 to 11 age range primary schools. Acceptance of the proposal would not be consistent with the Council's policy objective of only having 4 to 11 age range primary schools in its move to a primary and secondary system of school organisation. Such a change would require clear justification and could only be made subject to Cabinet decision to change the current policy on primary school provision.
37. Option B
The proposal does not meet the criteria for acceptance, as set out in Appendix A and is also outside of the Council's policy for primary school provision. The criteria provided to Chale CE VC Primary School make it clear that any proposal must have reached the stage of a draft instrument of federation being in place between the Governing Body of Chale CE VC Primary School and any other federating school. The Council can only make recommendation to the governing body, when established, of the new Rural Primary School.
38. The proposal puts forward the model that Chale CE VC Primary School would become a 4 to 7 age range infant school, under a single federation leadership and governance in order to achieve viability. Whilst the concept, as proposed, of single leadership and governance meets the criteria of Appendix A the proposed age range

of the school is outside of the Council's current policy. As the DCSF regard schools in federation still as individual schools, acceptance of the proposal could leave the Local Authority with a single 4 to 7 age range infant school.

39. From the outset of the school organisation process the Local Authority has been clear in its proposals and decisions that all primary schools would be of a 4 to 11 age range. Acceptance of this proposal for federation would change this policy and because of its possible impact on the whole process of school re-organisation would require further public consultation.
40. In this proposal for federation the Local Authority has to be satisfied that it meets the key objective of the school re-organisation, in that it ensures high standards and increased opportunity for young people and that it provides value for money. Pupil projections for Chale CE VC Primary School indicate that on the basis of current parental preference for the school it would, as a 4 to 7 age range school, have a pupil roll of some 14 to 16 pupils. As set out in paragraph 5 this does not address the school's fundamental viability, unless it is to receive a disproportionate funding subsidy to all other primary schools. Equally it is officers' view that an infant school of the projected size of Chale would not be able to sustain the quality of education expected as an outcome of the re-organisation.
41. Historically the school achieves a first parental preference of around 50% of eligible pupils within its priority area. For the September 2009 admission into Year R it admitted three pupils. Currently in the September 2010 admission into Year R only two parents have made the school their first preference. A school with a roll of this size is not sustainable either in its quality of provision or value for money. Already a significant number of parents in the Chale CE VC Primary School priority area make a parental preference for schools outside of the priority area. It is unlikely that a 4 to 7 age range school of such a small size would stop the current trend of parental choice.
42. Throughout the school organisation process officers have been clear in their advice that Chale CE VC Primary School is not sustainable, this proposal does not address this fundamental issue or offer any long term quality of provision for pupils. The view of the current schools which will amalgamate to form the new Rural Primary School is that they would not support the proposal for federation.
43. Option C
Consideration can be given to the provision of more time to enable the Governing Body of Chale CE VC Primary School to further consider and/or modify their proposal. However, the decision of the Cabinet meeting of 1 October 2009 granted time for the school to explore federation. Further delay in moving to a final decision can only add to uncertainty and anxiety for pupils, parents and staff in having a clear and final position for the school.

RECOMMENDATION

44. Approve Option B - To reject the Chale CE VC Primary School proposal for federation and not to publish a revocation notice in respect of the already approved statutory notice for the school's closure on 31 August 2010.

APPENDICES

45. [APPENDIX A](#) Expectations of the Local Authority in any proposal for federation
46. [APPENDIX B](#) Chale CE VC Primary School proposal for federation
47. [APPENDIX C](#) Letter of Proposal
48. [APPENDIX D](#) Local Authority analysis of the proposal
49. [APPENDIX E](#) Further response to the Governing Body

BACKGROUND PAPERS

50. The following background papers have been used in the preparation of this paper.
- 24 November 2008 Cabinet papers and minutes
 - 30 September Full Council papers and minutes
 - 1 October 2009 Cabinet papers and minutes
 - Education and Inspections Act 2006.
 - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.
 - DCSF guidance on school federation
 - Educating Your Child admissions arrangements for September 2010

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Decision

Signed

Date
