



DETERMINATION

Case reference: STP611

Proposal: To change the category of Bishop Hooper Church of England Primary School from Foundation to Voluntary Aided

Proposer: The governing body of Bishop Hooper Primary School

Date of Determination: 04 July 2014

Determination

Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, and the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013, I hereby approve the proposal that Bishop Hooper Church of England Primary School should be changed from a foundation school to a voluntary aided school with effect from 1 September 2014.

The referral

1. The governing body of Bishop Hooper Church of England Primary School (the school) published proposals, under section 19 of the Education and Inspections Act 2006 (the Act), to change its category from Foundation to Voluntary Aided on 14 February 2014. Shropshire County Council is the local authority (LA), and the school is located within the Diocese of Hereford (the diocese). The LA has referred the matter to the Adjudicator to determine the proposal because it was unable to make the determination within the time period required by the Act.

Jurisdiction

2. Having carried out the appropriate consultation, the governing body formally published the proposal as a statutory notice on 14 February 2014. The notice was in the form required by the Act. The LA failed to determine the proposal within the required timescale of two months and has referred the proposal to the Adjudicator for determination.

3. The LA has forwarded the referral and its comments to the Adjudicator in accordance with the provisions of the Act and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013 (the Regulations).

4. I am satisfied that this proposal has been properly referred to me in accordance with the Act and that, therefore, I have jurisdiction to determine this matter.

Procedures

5. In considering this matter I have had regard to all relevant legislation and guidance. I have considered all the papers put before me including the following:

- details of the consultation undertaken by the governing body of the school prior to the publication of the statutory notice;
- correspondence from the LA referring the decision to the Adjudicator together with its letter of support for the proposal;
- a letter from the diocese to the Adjudicator supporting the proposal;
- a copy of the statutory notice; and
- the minutes of the governing body meeting held on 28 January 2014 when the decision to publish the proposal was made.

The Proposal

6. The proposal is that Bishop Hooper Church of England Primary School should change category from a foundation school to a voluntary aided (VA) school on 1 September 2014.

Consideration of Factors

7. Bishop Hooper Church of England Primary School at Ashford Carbonell was opened in November 2011 as a purpose-built, modern, Church of England, primary school following closure of a VA school, formerly sited in Caynham and a voluntary-controlled (VC) school, formerly sited in Ashford Carbonell. The new school was established as a foundation school on a temporary basis, as this allowed the most cost-effective use of capital project funds at the time. The intention from the outset was that the school should subsequently become a VA school. As the school is well-established, the governing body believes that now is the time to change to VA status.

8. The governing body set out its reasons in the proposal why the change would be beneficial and these include:

- strengthening and ensuring continuance of the Christian ethos in the school;
- providing access to a range of alternative funding through the capital allocations made specifically for VA schools;
- clarifying the status and religious character of the school to potential new parents and staff;
- strengthening the long-term stability and sustainability for the school;
- adopting a stronger and more autonomous governance structure; and
- linking more firmly to the support structures and services provided by the diocese.

9. The change of status will not result in major changes to the day to day running of the school or change the services that the school provides. There will be no capital costs associated with the change nor will any additional site be needed.

10. The governing body will remain the employer of the school staff. The terms and conditions of employment of existing staff are protected, as is their continuity of employment and their pension provisions. Future new staff may be appointed using the enhanced powers that are available in law to the governing body of a VA school to have regard to religious criteria in respect of all teaching staff.

11. The governing body will remain the admission authority for the school and has no present intention of changing the admissions policy.

12. The school will require a new Instrument of Government setting out the future composition of the governing body. It is anticipated that all existing governors will remain in post and discussions have taken place with the diocese as to how this will be achieved. The categories of governors will continue to include parent governors (both elected and appointed by the church), staff governors (including the Headteacher), local authority representation and a majority group of foundation governors appointed by the church.

13. The change of status was supported by all governors at the governing body meeting on 15th November 2013 and this led to the consultation and its decision on 28 January 2014 to publish the statutory notice on 14 February 2014.

14. The LA and the diocese have given their full support to this proposal and wish it to go forward. The consultation brought one response which was from a local Member of Parliament who was in full support of the proposal.

Conclusion

15. The proposal has the full support of the school governing body, the LA and the diocese. There were no objections raised during the consultation. The LA would have determined this proposal but was unable to do it within the time constraints imposed by the Act and therefore referred the matter to the Adjudicator. Given the overwhelming support for the proposal, I approve it.

Determination

16. Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013, I hereby approve the proposal that Bishop Hooper Church of England Primary School should be changed from a foundation school to a voluntary aided school with effect from 1 September 2014.

Dated: 04 July 2014

Signed:

Schools Adjudicator: David Lennard Jones