

DETERMINATION

Case reference: STP00612

Proposal: To change the status of Bulwell St Mary's Primary and Nursery School, Nottingham from voluntary controlled to voluntary aided.

Proposer: The Governing Body of Bulwell St Mary's Primary and Nursery School.

Date of Adjudicator's Determination: 4 July 2014

Determination

Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, I hereby approve with modification the proposal to change the status of Bulwell St Mary's Primary and Nursery School, Nottingham from voluntary controlled to voluntary aided and that the date for implementation shall now be 1 September 2014.

The referral

1. On 19 June 2014, a representative, a project manager for school organisation, of Nottingham City Council (the LA) wrote to the Office of the Schools Adjudicator (OSA) on behalf of the governing body of Bulwell St Mary's Primary and Nursery School (the school), referring a proposal to change the school's status from voluntary controlled to voluntary aided with effect from 24 May 2014. The proposal was passed to the OSA as the LA had not made a decision within the two months required and consequently the proposal has been referred to OSA for a decision as required by Schedule 3 paragraph 31(5) of the regulations.
2. On 27 February 2014, having carried out the appropriate consultation, the proposer formally published the proposal. The notice was in the form required by the Education and Inspections Act 2006 (the Act).
3. At a meeting held on 17 March 2014 the proposer was informed that the diocese had met and approved the change and proceeded with the proposal. The LA, as the decision maker, did not make a decision within the period prescribed by the Schedule 3 paragraph 31(4) of 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.

6. I have considered all the papers put before me including the following:

- the agenda and supporting papers for the meeting of the governing body held on 12 February 2014, 17 March 2014 and other meetings in 2012 and 2013;
- prescribed information from the proposer as set out in the relevant School Organisation Regulations;
- Ofsted inspection reports on the school;
- Statutory inspection of Anglican school (SIAS) reports;
- information about the projected number of pupils for the school and area; and
- comments from the Diocese of Southwell and Nottingham (the diocese).

The Proposal

7. The proposal is to change the status of the school from voluntary controlled to voluntary aided.

8. The proposer contends that the potential benefits of this proposal are:

- I. the diocese would be able to support the school more effectively to make explicit and celebrate the distinctive Christian character and ethos which underpins the life of the school;
- II. the school has begun a journey to secure its future as a Church school becoming an Aided school would make this more secure;
- III. the stronger partnerships would support standards and achievement at the school which governors consider to be in a vulnerable position as the Ofsted inspection of 1999 found the school to have serious weaknesses, and the all following inspections (2006, 2009 and 2012) have had an overall judgment of satisfactory;
- IV. the governing body do not want the focus on raising standards to become the school's only focus. Voluntary aided status would mean that the governing body would need to concentrate on ensuring the

explicit distinctive character of the school and therefore would be instrumental in monitoring and evaluating its impact;

- V. if governors seek academy status at a later date, it will help to keep the ethos of a voluntary aided school with the added benefit of the diocese's input and expertise in assisting schools in their conversion to academies.

Background

9. The school is part of a formal partnership with two other local Church of England schools that share the same executive head teacher but have their own head of school and governing body. It admits pupils in the age range 3-11 years; at the time of the Ofsted inspection in January 2014 it had 333 pupils on roll.

10. The school had a lengthy informal consultation on the proposal beginning in 2012 with an intended implementation date of 24 May 2014. However due to a combination of misunderstanding about the final decision maker and some administrative oversight, the LA did not make the decision within two months of the end of the statutory notice period.

Consideration of Factors

11. I have considered the proposal afresh taking careful account of the arguments put to me by the proposer.

Standards

12. The last Ofsted inspection January 2014 found the school to be good, an improvement on the previous three inspections. It made the following comment on standards of achievement at the school; *"The progress made by pupils from often very low starting points helps the vast majority to achieve standards that have risen rapidly over the past three years and are now close to or exceeding expected levels. The Year 6 pupils are on track to achieve above-average standards in the 2014 national tests, and this represents very fast improvement in a short time. In addition, many are on track to reach levels better than those expected nationally, especially in writing and mathematics, due to outstanding teaching of these subject areas."*

13. The Ofsted report also comments as a particularly positive feature, the willingness of staff to work together and with staff from other schools in the partnership and further afield to learn from each other and spread good practice. It comments also that the executive head teacher has provided excellent support and challenge for all staff since she took on the role. It found that the head of school and senior leaders have led the school well since it became part of the partnership of three schools.

14. The diocese reports that *"This is a school that works very closely with the Diocese of Southwell & Nottingham and over recent years, through a collaboration brokered by the diocese with a high performing Church of England school, has demonstrated rapid improvement in its academic results, Ofsted inspection judgements and overall performance. These are a direct*

result of the links put in place, particularly the leadership provided by the Executive Headteacher. It is a natural development of this relationship for the school to move to voluntary aided status."

15. I am satisfied that the proposed stronger links with the diocese and partner schools should continue to see standards improve.

Need for places

16. Information from the LA shows that the roll of the school will continue to rise and that the projection of the number of places needed in the area of Bulwell shows that by 2016/17 demand for places will outstrip capacity. I am satisfied therefore that the places at the school are required.

Finance

17. There are no direct capital costs associated with the project. However, the change in status means the governing body will be responsible for capital work and maintenance of the school, which states that it will receive a contribution of 90 per cent of the costs by grant from the Department for Education but must itself find and must find 10 per cent of the costs of maintenance. The governing body reports that it is "*comfortable that the funds will be available to the school should it have to find sums to maintain the building*". I enquired about the source of this comfort and was told "*we have a healthy carry forward this year £90,000 and already had a commitment from the Diocese for LCVAP funds for window replacement (this was working on the original completion date!) We therefore have the 10% to cover governor fees for this proposed allocation.*"

18. The diocese comments as follows; "*Under Voluntary Aided status, and with diocesan support, the school will be able to access funding (LCVAP and diocesan endowment funding) that is not available under its current status. The governors, supported by the diocese, will take on responsibility for the maintenance and upgrade of the building, so that we can work towards a building that is fit for purpose. This is particularly important in an area of high deprivation where children and parents need to feel valued and where investment is even more important.*"

19. I am satisfied then that there is no financial impediment to this change of status.

The views of interested parties.

20. Consultation on the proposal has been going on for a considerable period of time, commencing in September 2012. The list of persons consulted satisfied statutory requirements. Two public meetings were held however no one attended either. A questionnaire was issued to the parties, for which there were 15 responses, 12 were in favour and three not sure. The LA supports the proposal.

21. The diocese comments "*This is a proposal that has been carefully developed over a long period and has widespread support from all stakeholders..... As all relevant consultations have taken place with*

positive outcomes, there is an expectation from parents and the local community as well as the school that this will proceed.”

22. I am satisfied that the requirements for consultation have been met and that the views of interested parties have been considered.

Conclusion

23. I find the Christian ethos of the school has been a positive enabling factor in improving the school in partnership with other Church of England schools. Voluntary aided status would enable it to work even more closely with the diocese. There has been extensive consultation with no evidence of objection. I have concluded that I should approve the proposal.

24. As the proposed date of implementation has passed, I have consulted the parties and I modify this proposal so that the implementation date is 1 September 2014

Determination

25. Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, I hereby approve with modification the proposal to change the status of Bulwell St Mary's Primary and Nursery School, Nottingham from voluntary controlled to voluntary aided and that the date for implementation shall now be 1 September 2014.

Dated: 4 July 2014

Signed:

Schools Adjudicator: Miss Jill Pullen