

	<p style="text-align: center;"><b>Executive</b> 13<sup>th</sup> February 2006</p> <p style="text-align: center;"><b>Report from the Director of Children and Families</b></p>
For Action/	Wards Affected: ALL
<p><b>New Policy Guidance for Independent Schools who wish to apply for Voluntary Aided Maintained Status with Brent Council</b></p>	

Forward Plan Ref: C&F05/06-016

## 1.0 Summary

1.1 This report asks the Executive to approve a policy guidance document for independent schools who wish to apply for Voluntary Aided Maintained Status with Brent Council. The document contains a set of criteria which the promoters of new Voluntary Aided Schools should follow. This report does not seek to amend the Council's policies on the establishment of faith schools. Rather, it proposes new, tightened-up guidelines, to ensure that decisions on new VA schools are properly made.

## 2.0 Recommendation

2.1 The Executive are recommended to approve the Policy Guidance Document for Promoters of new Voluntary Aided Schools (Annex 1).

## 3.0 Detail

### 3.1 Background information

Brent Council's policy has been to approve applications from independent Faith Schools for Voluntary Aided Maintained Status, providing that the establishment of a new school does not have an adverse financial or other impact on other schools in Brent. During the period 2002/05 two independent schools sought VA status and followed guidance published by the DfES. Later on in the process after approval of the proposal by the Council and the School Organisation Committee the Promoters of both schools changed their minds and asked for the proposal to be withdrawn. The Promoters of one school stated that they had not fully appreciated the admissions

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requirements placed on a new VA school and the Promoters of other stated that they had not fully appreciated the resource implications. One school was able to republish the proposal and have their application withdrawn. The other did not leave sufficient time to do this and had to implement the proposal following a lengthy legal process and judicial review.

- 3.2** In order to avoid such situations in future we believe it would be helpful to issue potential Promoters with more robust criteria in addition to DfES guidance so that the Council and promoters can be confident that every aspect of the proposal has been covered at the decision-making stage.
- 3.3** The School Organisation Committee supports the drawing up of new guidance and have contributed to the development of the proposed new criteria. The DfES have also been consulted.
- 3.4** The Policy Guidance Document requires Promoters to fulfil the following criteria:
- to ensure that the new school's policies adhere to the criteria set out in the OFSTED inspection process and conform to DfES guidelines for independent schools seeking VA status.
  - to show wide and stable support for the school in their religious communities in the local area.
  - to confirm in writing the security of tenancy of the school site (In particular that any beneficial occupancy that the schools currently have of land and buildings will continue after VA status is granted).
  - to obtain capital funding (if necessary) and to demonstrate a fully worked and balanced school budget as per VA status.
  - to confirm in writing that if they are granted VA status they will adhere to the DfES's School Admissions Code of Practice (including admissions arrangements), the regulations in the Schools Standard and Framework Act 1998 (and regulations made under that Act) and will provide the Council with full details of their admissions arrangements.
  - Promoters understand the role of a governing body in a maintained school
- 3.5** Promoters will be required to complete a pro forma covering commitment to the major aspects of the proposal for submission to the Council and the SOC.
- 3.6** Account has been taken of new DfES guidance for independent schools wishing to join the maintained sector, explaining step by step what is expected of promoters. It is intended that the Council's new criteria will enhance DfES guidelines to avoid the above problems happening with future schools. It is considered that if schools are assessed more thoroughly before they reach the stage of issuing their statutory notice, using detailed local guidance, schools will be better prepared for maintained status.

## **4.0 Financial Implications**

- 4.1 The revenue funding for new VA schools will in future form part of the Dedicated Schools Grant and therefore 100% funded by this grant from the DfES. The grant will be pupil driven and the additional pupils will attract additional grant.
- 4.2 There is also a significant opportunity cost. A new school requires support from a number of teams within the Council – School Improvement, Education Psychology Service, Education Welfare Service, Finance, Governors, Administrators, etc. This is generally absorbed within existing resources.

## **5.0 Legal Implications**

- 5.1 The SOC is an independent entity to the Council i.e. it is a decision making body and not a Council committee.
- 5.2 Whilst it is reasonable and desirable for criteria and guidelines to be in place the decision maker, the School Organisation Committee, still has a duty to take into account all relevant matters and not fetter its discretion in the decision making process.
- 5.3 There are detailed statutory provisions, particularly under the School Standards and Framework Act 1998, which govern a school becoming a voluntary aided maintained school. Once such status is obtained the school will be subject to the whole range of statutory provision and guidance which applies to maintained schools which is quite different to the law which applies to independent schools.

## **6.0 Diversity Implications**

- 6.1 The DfES actively encourages local authorities to grant more faith schools voluntary aided status.
- 6.2 Brent Council has always welcomed faith schools to seek voluntary aided status and will continue to do so but with a more robust set of criteria.

Appendix 1 Policy Guidance Document for Independent Schools Applying for Maintained Voluntary Aided Status with Brent Council

### **Background Information**

1. Executive Report May 2005 – The Avenue School’s Request to Delay the VA Status Implementation Date from 1 April 2005 to September 2005.
2. Executive Report September 2004 - Proposal for Creating a New VA Muslim Primary School and a New VA Jewish High School
3. Minutes to the SOC meeting 18 July 2005

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