

THE ESTABLISHMENT OF DENOMINATIONAL SCHOOLS

To: Children and Young Peoples Committee

Meeting Date: 30 June 2015

From: Adrian Loades, Executive Director: Children, Families and Adults Services

Electoral division(s): All

Forward Plan ref: For key decisions **Key decision:** No

Purpose: To set out the need, and options, for a policy on requests from faith groups to establish denominational schools in Cambridgeshire;

Recommendation: The Committee is recommended:

(a) to agree the proposed policy in Sections 3.1 – 3.5

(b) to approve the three options for faith criteria for adoption and inclusion in the admissions specification for sponsors of new denominational schools set out in Section 3.5

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1.0 BACKGROUND

- 1.1 Cambridgeshire County Council (the Council), the local Children's Services Authority, has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child educated in the state funded sector. To achieve this, it has to keep the number of school places under review and to take the appropriate steps to manage the position where necessary. The Education and Inspections Act 2006 also requires local authorities to adopt a strategic role, with a duty to promote choice, diversity and fair access to school provision.
- 1.2 In January 2015 officers received a request from the Assistant Director of the Schools Service at the Roman Catholic Diocese (RC) of East Anglia to support the establishment of new RC primary schools in the County. This has highlighted the fact that although the Council has a policy and process for opening new schools, it does not have a policy on responding to requests from faith groups to establish new denominational schools.
- 1.3 Such a policy is needed to provide clarity and transparency for potential promoters, including RC and Church of England (CE) Diocesan authorities, parents/carers and other interested parties by setting out the factors that the Council would take into account when determining whether or not to support or approve proposals for the establishment of new denominational schools.
- 1.4 Section 2.3 below provides details of the church schools in Cambridgeshire and their admissions criteria. They are either voluntary aided (VA) schools or voluntary controlled (VC) schools. A voluntary school is one which is established voluntarily, that is by a body or person under no legal duty to do so. Voluntary schools are those where the land and buildings are typically owned by a charitable foundation or trust, usually a religious organisation, which has a substantial influence in the running of the school. Specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use faith criteria in prioritising pupils for admission to those schools.
- 1.5 Voluntary aided schools
 - 1.5.1 The foundation appoints a majority of the school's governors. The governing body runs the school, employs the staff and decides the school's admission arrangements subject to the statutory Schools Admissions Code. Only 90% of the capital costs of VA schools are met by the state. The foundation contributes the remaining 10% of the capital costs.
- 1.6 Voluntary controlled schools
 - 1.6.1 By contrast VC schools have less autonomy. The foundation appoints about 25% of the governors. The Council employs the school's staff and is the admission authority for the school.
- 1.7 There are no other types of denominational schools in the County. However, any policy would need to be worded in such a way that it could be applicable to whatever voluntary body might wish to establish a maintained school with religious character in the future in Cambridgeshire.

2.0 MAIN ISSUES

2.1 Government policy and relevant legislation

Under the terms of the Education Act 2011 the presumption is that all new schools will be established as either Academies or Free Schools. Only if no Academy or Free School proposals are received or none which are deemed to be of sufficiently high quality, can the Council seek the Secretary of State's permission to begin a competition process to establish a maintained school under the provisions set out in the 2006 Education Act, which could be either a voluntary aided or foundation school.

- 2.1.1 While local authorities may not propose voluntary schools to meet 'basic need', voluntary providers may work in partnership with local authorities to make their own proposals which contribute to meeting 'basic need'. A voluntary body may promote a new school in furtherance of its (charitable or private) objects: or a local authority (on behalf of the state) may promote a new school, in furtherance of their statutory duty (*'securing that efficient primary education, and secondary education are available to meet the needs of the population of their area'.* Education Act 1996, s13.)
- 2.1.2 Proposers may put forward proposals for new voluntary aided schools with a religious character to local authorities at any time, provided there is evidence that the local demand for the relevant faith places is sufficient to justify the creation of a new school.
- 2.1.3 Decisions on such proposals are taken under local authority decision-making arrangements. If they are approved by the Council, a further application will need to be made to the Department for Education (DfE) to designate the school as such.

2.2 Faith based oversubscription criteria in schools designated with a religious character

- 2.2.1 The admissions authorities for schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may adopt admissions criteria which give priority to children of their faith. The Admissions Code, December 2014 (section 1.36) states the following:
As with other maintained schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.
- 2.2.3 New Academies and Free Schools that have a faith designation must allow for a minimum of 50% of places to be allocated to children without reference to faith where the school is oversubscribed. Funding Agreements for entirely new Academies (i.e. not converters from the maintained sector, or those sponsored by Academies with a predecessor school) and Free Schools with a religious character provide that where the school is oversubscribed, at least 50% of the places are to be allocated without reference to faith. (Section 1.36 of the Admissions Code December 2014.)

2.3 Cambridgeshire context

- 2.3.1 In Cambridgeshire, where a need has been identified for additional school places within a defined geographical area, the Council's policy is to seek to provide places for all children living in that area irrespective of their parents' beliefs.
- 2.3.2 Across Cambridgeshire there are 20 voluntary aided, 38 voluntary controlled, 101 community schools, and 10 foundation primary schools. The voluntary aided schools include two Roman Catholic (RC) primaries and two inter-church schools.
- 2.3.3 The two voluntary aided Roman RC primary schools St Albans and St Laurence, are both in Cambridge City. The admissions criteria for both schools refer to children of the faith or of other faiths.
- 2.3.4 There are four converter Academies (1 secondary and 3 primaries) whose admissions policies include faith criteria.
- 2.3.5 The Diocese of Ely is the sponsor of two new primary schools, Pathfinder Primary School at Northstowe and Alconbury Weald Primary School. When they open in 2016, catchment and sibling criteria will take precedence over children of regular worshippers of a Christian church (criterion 5 of 6).
- 2.3.6 The Schools Service of the RC Diocese of East Anglia Diocese has confirmed that they would not be able to adopt the same approach. Nor would it consider a proportion of non-denominational places in its schools. This reflects the wider national position, which is to preserve the RC nature and ethos of its schools. In addition it would not consider replicating the RC and Church of England inter-church model in place at All Saints Primary School in March, where up to 15 of the 30 reception places are reserved for those from the RC faith.

3.0 PROPOSED POLICY

- 3.1 The Council will consider proposals to establish a new denominational school where the following can be evidenced:
- Unmet local demand for additional relevant faith provision
 - There is an established trend where parental preference for places in existing denominational schools exceeds the number of places available and this is forecast to continue into the foreseeable future
 - The potential for new denominational provision to alleviate the demand on places in other schools in areas of high basic need
- 3.2 Where there is evidence of the above, consideration will also be given to:
- the availability of suitable sites
 - the availability capital funding, and
 - the potential impact on other schools in the area
- 3.3 The Council would not support the establishment of a denominational school as the first school in a new community unless its admissions policy was to give priority to children living in the catchment and not to reserve a certain number of places for those from a particular faith.
- 3.4 The process for establishing any new denominational schools would follow the same principles and format as that already used by the Council when seeking a

sponsor for a new school. This would ensure that the body/organisation proposing the establishment of a denominational school has the required strength and depth in their leadership and governance infrastructure together with the knowledge, experience and necessary educational expertise to deliver and maintain high quality teaching and learning and successful outcomes for Cambridgeshire children.

3.5 Admissions criteria

- 3.5.1 Admissions criteria will vary with the context of the school, e.g. the Council's policy in 3.3 above means that the admissions criteria will ensure that catchment children have priority, regardless of who the sponsor is, if it is the first school in a new community.
- 3.5.2 Three options need to be considered when the specification for a new school is put together. These are set out in 3.5.3 – 3.5.5 below.
- 3.5.3 Option 1 reflects current legislation and would allow denominational schools to admit up to 50% of their pupils on the basis of faith criteria
- 3.5.4 Option 2 reflects the current situation in Cambridgeshire whereby a new school sponsored by a faith group will admit give priority to all children living in the catchment, irrespective of their faith.
- 3.5.5 Option 3 whereby the admission of all children would be determined by faith. This would meet the ambition of certain faith groups but would not accord with legislation around Academies and Free Schools nor, with the Council's current stance (option 2).

4.0 ALIGNMENT WITH CORPORATE PRIORITIES

4.1 Developing the local economy for the benefit of all

- 4.1.1 There are no significant implications for this priority.

4.2 Helping people live healthy and independent lives

- 4.2.1 There are no significant implications for this priority.

4.3 Supporting and protecting vulnerable people

- 4.3.1 There are no significant implications for this priority.

5.0 SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

- 5.1.1 The following bullet points set out details of significant implications identified by officers:
- It could be difficult for the Council to successfully negotiate with developers the land and S106 funding required to establish a new denominational school in a new development in cases where priority for admission would be determined by the parents' faith. It could be argued that such a school would not mitigate the demand for places created by that development or only a proportion of that demand. It would be difficult, therefore, for the

proposing body/diocese to evidence demand for relevant faith places in that new community.

- The Council is responsible for all pre-opening start-up costs in respect of new basic need schools, including diseconomy of scale costs, funding for which may be needed over a number of years.
- Establishment of new schools with a religious designation could relieve pressure on places in other schools in areas of high basic need.

5.2 Statutory, Risk and Legal Implications

5.2.1 The following bullet point sets out details of significant implications identified by officers:

- There are specific statutory requirements to be followed in seeking a sponsor for a new school under the provisions of the Education Act 2011. The process adopted by the Council is compliant with those requirements.

5.3 Equality and Diversity Implications

5.3.1 The following bullet points set out details of significant implications identified by officers:

- The relevant legislation requires the bodies making proposals for new schools with religious designation to evidence that there is local demand for the relevant faith places sufficient to justify the creation of a new school.
- If such a new school were part of a new community the expectation is that it would be established later in the development so families who did not wish their child to attend a school with a religious designation would be able to express a preference for an alternative school in the same community.

5.4 Engagement and Consultation Implications

5.4.1 The following bullet point sets out details of significant implications identified by officers:

- The Council would keep existing local schools informed of proposals to establish a denominational school in their area and it would expect the school proposer to engage with the existing community as part of its proposals.

5.5 Public Health Implications

5.5.1 There are no significant implications within this category.

5.6 Localism and Local Member Involvement

5.6.2 The following bullet points set out details of significant implications identified by officers:

- As with all new school development, officers would ensure that the local members are made aware of and involved in considering any proposals for a new faith school in their constituency.

Source Documents	Location
School Admissions Code (December 2014) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf	2 nd Floor Octagon, Shire Hall