





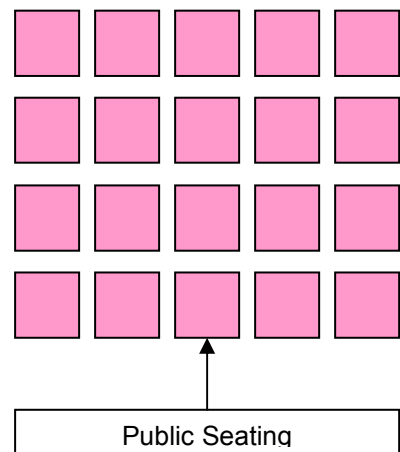
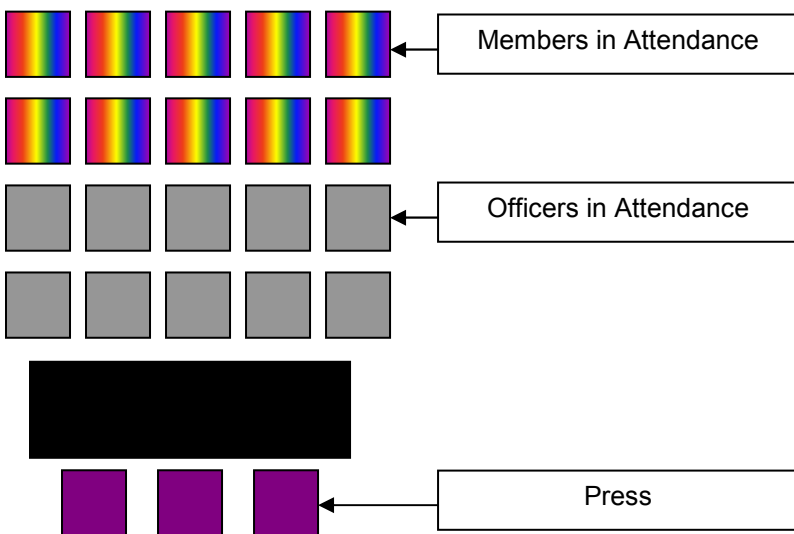
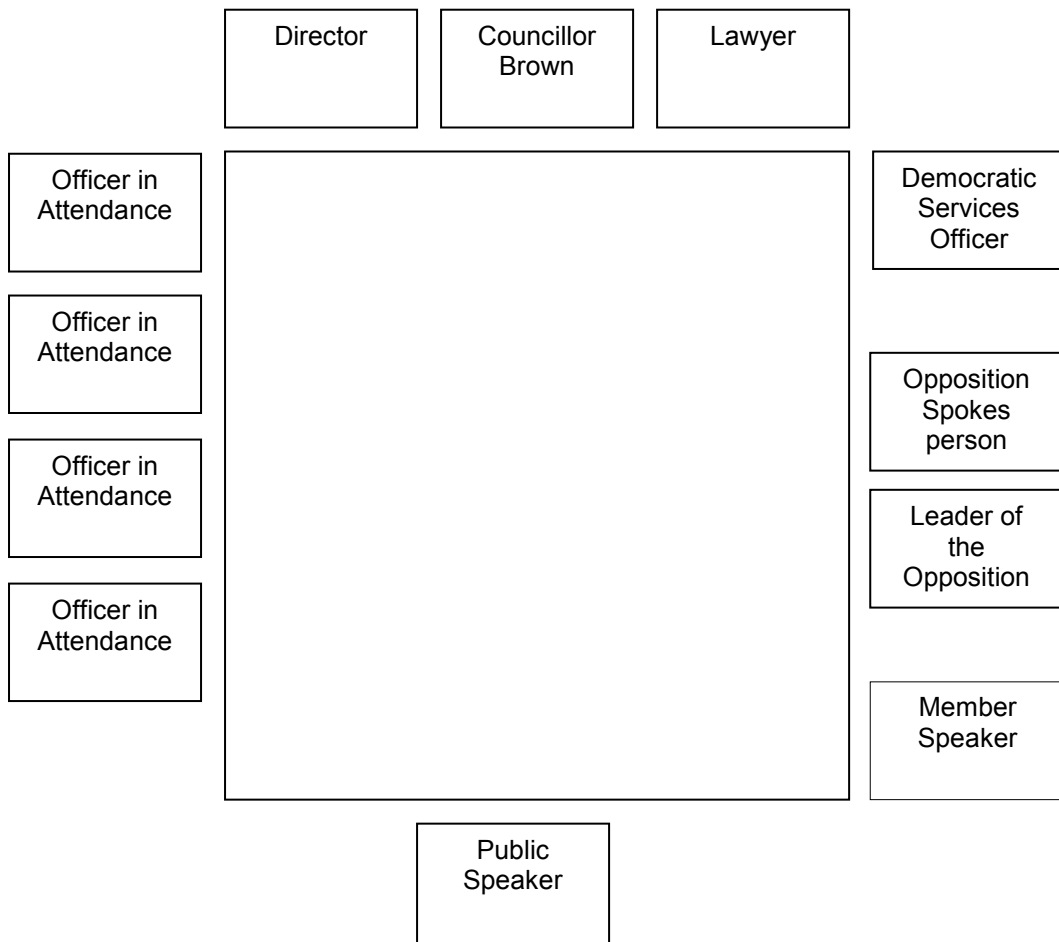
Brighton & Hove  
City Council

# Cabinet Member Meeting

Title:	<b>Children &amp; Young People Cabinet Member Meeting</b>
Date:	<b>30 July 2008</b>
Time:	<b>9.30am</b>
Venue	<b>Committee Room 1, Hove Town Hall</b>
Members:	<b>Councillor:</b> Mrs Brown (Cabinet Member)
Contact:	<b>Nara Miranda</b> Democratic Services Officer 01273 291004 (voicemail only) nara.miranda@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



AGENDA

**31. PROCEDURAL BUSINESS**

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**32. CABINET MEMBER'S COMMUNICATIONS**

**33. PROTOCOL FOR THE CREATION OF ALL THROUGH PRIMARY SCHOOLS** **1 - 14**

Report of the Director of Children's Services (copy attached).

Contact Officer: Gil Sweetenham Tel: 293433

Ward Affected: All Wards

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Nara Miranda, (01273 291004 (voicemail only), email [nara.miranda@brighton-hove.gov.uk](mailto:nara.miranda@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)



# **CHILDREN & YOUNG PEOPLE CABINET MEMBER SPECIAL MEETING**

## **Agenda Item 33**

Brighton & Hove City Council

<b>Subject:</b>	<b>Protocol for the Creation of All Through Primary Schools</b>		
<b>Date of Meeting:</b>	<b>30 July 2008</b>		
<b>REPORT OF:</b>	<b>Director of Children's Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Gil Sweetenham</b>	<b>Tel: 29-3433</b>
	<b>E-mail:</b>	Gil.sweetenham@brighton-hove.gov.uk	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No. CYP2162</b>	
<b>Wards Affected:</b>	<b>All</b>		

### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Brighton and Hove City Council has had a policy of supporting the amalgamation of infant and junior schools where appropriate since 2000. Protocols were established following the Scrutiny Panel and report recommendations following the merger of three primary schools in 1999. This protocol has been revised in the light of the Primary Strategy for Change and the creation of the CYPT.

### **2. RECOMMENDATIONS:**

- 2.1 That the revised Protocol for the Creation of All Through Primary Schools for implementation from September 2008 be agreed.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The present protocol was revised in 2004 prior to the creation of the CYPT and the DCSF requirement for a Primary Strategy for Change. The Council produced a Primary Strategy for Change for the DCSF in June 2008. This document included the consideration of creating all through primary schools from separate infant and junior schools.
- 3.2 Attached to the protocol is an appendix detailing the staffing protocol. This was revised in January 2008.
- 3.3 This protocol would affect a limited number of schools in Brighton & Hove. The main changes in the revised document are as follows:
- The document now lists the potential advantages of the creation of all through primary schools.

- The document removes the suggestion that merged schools of over 600 students are unlikely to go ahead.

The document includes the option of extending the age range of one school and closing the other to create a new all through primary school.

#### **4. CONSULTATION**

- 4.1 All headteachers have been provided with copies of the draft protocol and it has been discussed with a group of headteachers who have either been through a merger/amalgamation, or know that their school could be part of a future proposal to create an all through primary school. The protocol has also been discussed with the School Workforce Unions. The protocol will be used for the development of any future all through primary school.
- 4.2 Responses to the consultation will be reported to the meeting on 21<sup>st</sup> July

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications

- 5.1 Any revenue costs for the creation of an all through primary school from separate infant and Junior schools would have to be met from the existing Individual School Budget (ISB) for the financial year in which a merger took place, as there are no additional resources available to fund any associated costs that may arise. Any Capital costs of a merger would have to be met from the Primary Capital Programme budget; however these may fall before or after the financial year in which the merger takes place."

Finance Officer Consulted: Andy Moore, Schools Principal Accountant 13th June 2008

##### Legal Implications:

- 5.2 Consideration of any proposals to amalgamate infant and junior schools under the revised protocol will need to take into account the Council's general statutory duties under the Education and Inspections Act 2006 to both ensure that there are sufficient school places in their area, and to promote diversity in school provision that responds to parental choice.

Legal Officer Consulted: Serena Kynaston Lawyer 24 June 2008

##### Equalities Implications:

- 5.3 An Equalities Impact Assessment has not been carried out as all schools promote the creation of a fairer society where everyone can participate and has the opportunity to fulfil their potential and address unfair discrimination based on a membership of a particular group. Schools recognise and value difference in its broadest sense and create a culture and practices that staff recognise, respect, value and harness difference for the benefit of pupils, and

staff.

Sustainability Implications:

- 5.4 Schools promote the four priorities of the council's commitment to address sustainability:

*Sustainable Consumption and Production*

*Climate Change and Energy*

*Natural Resource Protection and Environmental Enhancement*

*Sustainable Communities*

Crime & Disorder Implications:

- 5.5 Schools are key contributors to preventing crime and disorder.

Risk and Opportunity Management Implications:

- 5.6 Any change to school organisation will be of concern to schools and workforce unions. The purpose of the consultation process is to explore fully any concerns raised by these groups prior to introducing new policy.

Corporate / Citywide Implications:

- 5.7 The Council has had a policy of supporting the amalgamation of infant and junior schools where appropriate since 2000.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The existing protocol is now out of date and needs to be replaced
- 6.2 Not addressing the potential advantages brought by all through primary schools could leave the council open to criticism regarding efficient use of resources.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To have a protocol in place that supports the councils wish to consider the creation of all through primary schools when appropriate.
- 7.2 To ensure that processes are in place to support the aspirations of our Primary Strategy for Change.
- 7.3 To place in the public domain the council's identification of the potential advantages of all through primary schools

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Protocol for the Creation of All Through Primary Schools
2. Template Staffing Protocol

### **Background Documents**

1. Consultation responses
2. Primary Strategy for Change



# PROTOCOL

## on the creation of an all through primary school

### 1. Introduction

1.1. The Council produced a Primary Strategy for Change for the DCSF in June 2008. This document reflected Brighton and Hove City Council's policy of supporting the amalgamation of infant and junior schools where appropriate. The Council believes the advantages of the creation of all through primary schools are as follows:

- Greater continuity in teaching, pupil care and development under a single headteacher and teaching staff. It is very important to ensure continuity in planning the curriculum across the stages of education so that pupils make the best possible progress in learning.
- The school could offer a greater range of teaching skills, including the opportunity to appoint curriculum co-ordinators with the time to oversee the effective teaching of individual subjects across the whole 4-11 age range.
- Greater flexibility that a 4-11 school has in organising classes, deploying teachers and support staff and using resources, including buildings, more effectively.
- Closer contact with parents over a longer period of time and covering the full span of the children's nursery and primary education.
- Practical advantages to parents e.g. same staff development days, the same school policies relating to homelinks, uniform, codes of conduct etc.
- Transfer to a different school environment after three years or less of schooling might be seen as an unnecessary disruption to pupil's sense of security and well being. A positive feature of 4-11 schools is the social interaction between younger and older pupils

1.2. Given the reasons for creating all through primary schools the intention of this guidance is:

- to recognise the sensitive and difficult nature of managing such a significant change; and
- to ensure that there is a clearly laid out process to be followed.

1.3 It should be noted that this protocol would affect a limited number of schools in Brighton & Hove. It has been discussed with a group of headteachers who have either been through a merger/amalgamation, or know that their school could be part of a future proposal to create an all through primary school. The protocol has also been discussed with the School Workforce Unions on 11 July and with the Headteachers Steering Group on 7 July. The protocol will be used for the development of any future all through primary school.

1.4. The protocol is in two parts. The first part is intended to aid understanding and the second to outline the process to be followed.

## **2. Part 1 – Developing Understanding**

### **2.1. Process**

The creation of an all through primary school from existing Infant and Junior schools can be achieved by:

- a) closing both schools and opening a new school
- b) closing one school and extending the age range of the other

### **2.2. Basis for creating an all through primary school**

The main reason for creating an all through primary school must be to provide a better school. The triggers for consideration include:

#### **i) A Headteacher leaving**

In the case of separate infant and junior schools serving the same area, if one Headteacher leaves then the school is automatically considered as a possible all through primary school.

#### **ii) Wider plans for School Organisation including the use of school accommodation for community services**

Any proposal must take account of the wider planning implications for local schools, including any plans for wider community use of the school site. The creation of an all through primary school is a formal process subject to approval by the council, the decision can be referred to the Schools' Adjudicator. This process can prolong what is already a difficult change and result in a temporary 'blight' on the schools when parents/guardians select schools. It is therefore important that clear timescales are provided to try to avoid a 'blight' on the schools.

#### **iii) Poor results/transition issues**

Where school results are below targets or there are issues around transition between key stages, these would be contributing factors in considering creating an all through primary school.

## **3. Part 2: Protocol**

### **3.1. Communication**

The numbered points represent the order in which the procedure would take place.

i) Discussion of the future by LA officers following notification of a headteacher leaving and/or serious decline in schools numbers and/or a pattern of poor results.

ii) Informal discussion with the director, Assistant Director, and Lead Member for CYPT.

iii) Preparation of a report to CYPT Committee indicating that an all through primary school is being considered; inform and discuss with the headteacher and governors before CYPT Committee and the proposal becoming public knowledge.

iv) Consultation to be held with the workforce unions which may need to be confidential.

v) Discussion to be held with the Director/Assistant Director and the staff of the schools at a special staff meeting. Staff to be told of the proposal and the briefing sessions (see point vii below).

vi) Headteachers of the schools affected to be provided with support from the press office and assistance with dealing with the media.

vii) Briefing sessions to be provided for staff affected by the proposal. Staff must be absolutely clear when they are attending to hear about the steps in the process (information and reassurance) and to have their views listened to and taken into account (consultation). Whole staff sessions to be held at each school separately at the beginning of the process. Smaller group meetings can then be arranged for staff from each school throughout the process. Prior to the briefing sessions staff who are members of the school workforce unions will want the opportunity to meet with their representatives. Provision should be made when scheduling the briefing sessions for these meetings to take place.

viii) Clear schedule and timescale prepared which is distributed to staff at the beginning of the process. The schedule will include the dates of meetings and the minimum time which will be allowed between proposals and decision. The schedule should be agreed with workforce union representatives. The names of key LA officers to whom queries can be directed will be included.

ix) A single named CYPT Officer will be appointed as the main point of contact.

x) Public consultation and information sessions to be provided for parents and the local community supported by the press office.

### 3.3. **Personnel including staffing**

i) A copy of the Staffing Protocol on the Creation of all through primary schools was updated in July 2008 is appended to this document (Appendix 1). It is strongly recommended that governing bodies follow the principles in the Staffing protocol. When the creation of an all through primary school is approved the protocol will be reviewed/customised to the circumstances of the relevant school/s by the LA and the staff side and will be agreed by the governing body. The protocol enables

permanent staff (teachers and support staff, full time and part time) to be assimilated into posts in the new structure. If any member of staff is re-deployed to a post at a lower salary level, any protection of salary will be in accordance with their national/local terms and conditions of employment. Under the School Staffing (England) Regulations 2003 the requirement to advertise headteacher and deputy headteacher posts at schools subject to a reorganisation has been relaxed. Therefore if the governing body considers that the remaining headteacher/deputy headteacher is suitably qualified and experienced then they may be appointed to the new post/s in the new school.

ii) In the case of extending the age range of a school the headteacher continues as head of the new school (subject to 3.3i above)

iii) Particularly vulnerable staff such as those in tied accommodation should be provided with additional support.

### 3.4. **Governors**

i) If the all through primary school proposal is agreed for both schools to close and a new school to be created, a shadow governing body would be appointed for the new school. The shadow governing body should include membership of the outgoing governing bodies where possible to ensure continuity and equality of representatives of governors from existing schools.

ii) There should be regular meetings between the governing bodies (existing and shadow) to ensure that there is adequate communications and a clear understanding of roles. A written protocol will be drawn up clarifying the respective roles of the local authority, the shadow and existing governing body and the headteacher setting out who is responsible for what in the process, including the election of a chair.

iii) The LA staffing protocol should be adapted and 'owned' by the shadow governing body.

iv) If the all through primary school proposal is agreed for one school to be expanded, legally the governing body of the expanded school will be the governing body of the new school. The LA expects both governing bodies to work together to create a new Governing Body for the new school which attempts to achieve an equal representation.

v) The LA also expects the existing governing bodies to work together to agree with the headteacher the initial staff structure for the new school which should include all staff from the closing school. The new school governing body is expected to adopt this structure for the first year at least.

vi) Guidance and support will be arranged for governors involved in sensitive issues.

### 3.5. Forward Planning

- i) The appointment of a headteacher should be made or agreed as soon as possible and ideally two terms, but at least one term, in advance of the commencement of the new school but this would be subject to budgetary consideration.
- ii) Funding for building works and completion of the building works should be substantially completed prior to the all through primary school opening whenever possible.
- iii) The equipping of the new school and moving of furniture should be carefully planned in advance. There should be limited school closure for both the physical movement and preparation of the environment for operation as a safe and effective school. Appropriate resources will need to be allocated for the physical movement.
- iv) The provision of ICT should be considered at the earliest stage in the planning process.



**TEMPLATE STAFFING PROTOCOL****CREATION OF ALL THROUGH PRIMARY SCHOOLS****1. Introduction**

- 1.1. Whilst the creation of a school can be an exciting venture and provide a range of opportunities for staff, it is recognised that the process leading up to it can be unsettling. It is the intention of Brighton & Hove City Council, Children & Young People's Trust (CYPT) to ensure that the arrangements for the appointment of staff to the structure of a new school are made clear, and that full consultation is undertaken with all staff affected as well as representatives of the locally recognised trade unions/professional associations. It is recognised that the locally recognised trade unions/ professional associations will need to consult with their members within the establishments involved in the process.
- 1.2. The guidance below provides a process to take forward the staffing issues and how appointment decisions will be made. Consultation with the local secretaries of the recognised trade unions/professional associations will need to take place at each stage of the process and arrangements should be made, in the light of circumstances applicable at the time, which best meet the needs of both the school, and the staff involved.
- 1.3. It is the intention of Brighton & Hove City Council CYPT to protect the employment of affected staff and all reasonable efforts will be made to appoint existing staff to posts within the structure of the new school. It must be recognised that it will be the responsibility of the governing body (of the new primary school) to make appointment decisions, although detailed advice and guidance (in addition to this document) will be provided by the HR Team, throughout the process.
- 1.4. Given the extensive consultation with the professional associations/trade unions and the Authority, it is recommended that governors of the new school adopt this staffing agreement.

**2. Process and timetable for the Creation of the All Through Primary School**

- 2.1. Once a decision has been made to create a primary school (or that it appears such a decision will be the likely outcome), and thus cease to maintain an infant or junior school, the following steps will be taken in respect of staffing. It is important for the governing body of the new school to follow the stages laid down in the table below.

**Proposed timetable****2.2 Stage One**

- a) The Primary School governing body will be formed from the expanded governing body of the xxxx (*insert either 'infant' or 'junior'*) school. It is

intended that the Primary school governing body will include representation from the governing body of the school that is closing. In the lead up to the opening of the all through primary school, a 'joint governor committee' should be formed which should be made up of both infant and junior governing body members. This committee will be empowered to make staffing decisions prior to the confirmation of the membership of the primary school governing body (to be confirmed by the opening date of the all through primary school). The new governing body (or joint governor committee) will meet and agree the proposed merger protocol for the school.

- b) A meeting of the governing body will determine a timetable and appropriate arrangements to:
  - i) confirm the appointment of the headteacher and deputy headteacher. In most cases the position of headteacher will not be vacant as there will be an existing head in post in the school that is expanding. If that headteacher is suitably qualified they should be confirmed in post as the headteacher of the all through primary school (see 13 (7) and 22(7) of the 2003 Staffing Regulations which exempts the relevant body from advertising heads/deputies posts nationally).
  - ii) determine the staffing structure of the school.
- c) meet with staff of both existing schools to confirm details of the process to be followed including estimated time scales and to answer any questions/concerns. The trade union/professional association representatives will be invited to this meeting and provision will be made for them to hold a pre-meeting with their members.

### 2.3. Stage Two

- a) National recruitment is not required for the headteacher (see 2.1b) above and para 6 below) but the 'joint committee' of the primary school governing body will need to write to the headteacher to confirm the ISR for the school and the corresponding headteacher pay range and salary. The joint committee will also need to review the deputy headteacher range agreeing any adjustments to the headteacher/deputy head's job descriptions as needed .
- b) The appropriate panel of the governing body (along with the headteacher) will consider the staffing needs of the new primary school, taking into account the estimated pupil numbers, proposed budget share, the existing staff in the school and will recommend a staffing structure to accommodate the staff from the closing school. Support will be available from the LA HR and Finance teams. Initially, all staff from the closing school should transfer into the structure of the all through primary school. The plans for the new staff structure of the all through primary should follow the LA guidance on re-organisations i.e. a consultation paper should be proposed and discussed with the trade unions/professional associations and staff. The structure may need to be reconsidered as a result of the consultation process. The governing body will then confirm the new staffing structure before half term in the Spring term of the first academic year of operation, for implementation of the new staffing structure by the Autumn term of the second academic year of operation.



- c) From the date that the proposal to create an all through primary school is being seriously discussed by the governing body/staff all vacancies at the infants/juniors and subsequent primary will be reviewed on a post by post basis to determine whether they may be held vacant until the new structure is established or recruited to on a temporary basis.

#### 2.4. Stage Three

- a) The staff from the infant and junior schools will stay in current posts with minimum disruption until the final structure for the all through primary school is established, following consultation. As soon as possible following the September commencement date of the all through primary school, a letter will be sent from primary governing body to all staff confirming that they are now working for the all through primary school and that consultation on a revised structure will follow.
- b) Any staff who remain unplaced in the school will be assisted in seeking redeployment within the local authority (placed on formal redeployment register) or (informally) within other Brighton and Hove schools.

### 3. Eligibility Rules

- 3.1. The eligibility for staff in the closing school will be considered for posts in the new school will be based on their current post/normal range of work. This does not necessarily mean that a member of staff will continue to undertake an identical role in the new school. However the assimilation exercise should not be used to vary an employee's role significantly unless it can be justified on organisational/operational grounds.
- 3.2. Where a post is being considered at a particular level and/or for a particular type of work that did not previously exist, staff from the two related schools must be considered.
- 3.3. Temporary staff employed to work with statemented pupils will continue in employment where there is a need to continue to provide the support for the pupil in the new school. Such continued employment will be temporary, in accordance with the usual arrangements, and such staff will not be eligible for permanent posts under the terms of this agreement.
- 3.4. If any member of staff is re-deployed to a post at a lower salary level, any protection of salary will be in accordance with their national/local terms and conditions of employment.
- 3.5 If there are two members of staff eligible for only one post in the new structure then both members of staff will entitled to be interviewed in a ring fenced interview process (in line with LA management of change procedures).

### 4. Additional Support for Staff

- 4.1. Trade union and professional association representatives will be involved and consulted throughout the process and they will be available to provide support and representation to their members. There will also be the opportunity for individual staff to discuss issues/concerns with a member of the HR Team, on request.
- 4.2. If there are staff remaining unplaced in the final new structure, all reasonable efforts will be made to assist those staff in seeking redeployment within other Brighton & Hove Schools or City Council services. Individual discussions will take place to determine the best way to meet the needs of any employee in this situation. This may include the LA assisting in the following ways:
- completion of CV/application form;
  - circulation of such information to all relevant schools in the LA (and possibly neighbouring LAs);
  - issuing the vacancy list to the employee's home address;
  - time off to seek alternative employment;
  - utilising premature retirement applications from staff elsewhere in the LA to create an appropriate vacancy, to which the unplaced member of staff will be appointed;
  - re-training will be considered.

**5. Alternative model for the Creation of All through Primary Schools – staffing protocol template**

- 5.1 In most instances this protocol for the 'creation of an all through primary school' will follow the LA's preferred model, where one school expands to become the 'new' all through primary school, with the other school closing. This is in preference to both infant and junior schools closing and a 'brand new' all through primary opening in its place. This staffing protocol has been written on the basis of the preferred LA model. However, if the model which includes both schools closing/a new one opening is adopted, then different arrangements will need to be agreed with the staff side, especially in relation to the head's appointment (these arrangements will be in line with general LA organisational change policies).

Agreement drawn up Management on: .....26 June 2008

Agreed by staff side on: ..... 11 July 2008

Agreement approved by ( x governing body): on:.....