

CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING

Agenda Item 88

Brighton & Hove City Council

Subject: St Luke's Infant and Junior School Proposed Merger
Date of Meeting: 2 March 2009
Report of: Director of Children's Services
Contact Officer: Name: Gillian Churchill Tel: 29-3515
E-mail: gillian.churchill@brighton-hove.gov.uk
Key Decision: Yes Forward Plan No. CYP7790
Wards Affected: All

FOR GENERAL RELEASE LATE ITEM

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was that the statutory consultation period required under Government guidance for the determination of the Statutory Notice closed on 23rd February 2009, therefore after the deadline for reports to CYPT Cabinet Member Meeting.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To inform members of the outcome of the statutory consultation on the proposed discontinuance of St Luke's Infant School and the change in age range and expansion of the premises for St Luke's Junior School.
- 1.2 To provide the Cabinet Member with sufficient information to be able to determine the proposal.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member confirms the statutory notice and resolves to discontinue St Luke's Infant School and extend the age range and expand the premises of St Luke's Junior School from September 2009.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The consideration of amalgamating St Luke's Infant and Junior Schools has arisen as a result of the Council's protocol on the creation of all through primary schools. This states that we will consider merging linked infant and junior schools when the head teacher of one of the schools leaves. In this instance the head teacher of St Luke's Infant School left in July 2008.

- 3.2 The amalgamation would require the closure of St Luke's Infant School and the extension of the age range of the junior school to cater for pupils from age 4 to age 11.
- 3.3 At the Cabinet Member meeting held on 1st December 2008 it was agreed to publish the combined statutory notice required to progress these proposals.

4. CONSULTATION

- 4.1 Consultation on the closure of a school and expanding the age range of community schools must follow the processes set out in section 15 (1) and Section 19 (1) of the Education and Inspections Act 2006 (EIA 2006) respectively. Section 16(2) of the Act provides that before publishing any proposals for closure of a community school, the Council must have consulted 'such persons as appear to them to be appropriate'. This consultation was carried out between September and December 2008.
- 4.2 On 1st December 2008 the Children and Young People Cabinet Member authorised the Director of Children's Services to proceed to publish the required statutory notices for the closure of St Luke's Infant School and the change in age range of St Luke's Junior School from September 2009. The subsequent publication period was the final opportunity for people and organisations to express their views on the proposals.
- 4.3 Statutory notices were published in the local newspaper on 12th January 2009. In addition Notices were displayed at the entrances to both schools and at other places used by the community. The statutory notice stated how the full proposal information on the closure proposal could be obtained. A copy of the full proposal information is in the members Room.
- 4.4 The Statutory Notice forms part of the full proposal. Copies of the full proposal were sent to the Anglican and Catholic diocese, East and West Sussex County Councils, the governing body of the school and the DCSF. Copies of the complete proposal have to be made available to anyone who requests a copy during the publication period.
- 4.5 During the publication periods no requests were received for the full proposal information in respect of any part of the proposals.
- 4.6 During the publication period one objection and 37 pro forma letters were received to the proposal. Copies of these are in the Members Rooms.
- 4.7 In summary the reasons for the objection are that there are no valid educational reasons for carrying out the proposals, that the school created by the proposals will be too large and that there will be a loss of Early Years specialism. The objection makes reference to the website that has been set up in opposition to the proposals.
- 4.8 There has been no formal representation to the Council following the publication of the notices from the group set up to oppose the proposals although most of the pro forma letters are from members of this group. The website has been

checked and there are no additions to the website that have been added during the publication period of the notice.

- 4.9 The Council has received a request to initiate the Council's Complaints procedure regarding the consultation which was undertaken prior to deciding to proceed to publishing the notices. The basis of the complaint is that the initial consultation was not fair and may have been illegal although no substantiating evidence has been provided.
- 4.10 The real point that the claimant is making is that despite the majority of responses to the initial consultation (109 out of a total of 120 were against the proposals) the Council decided to progress to the publication of the statutory notices.
- 4.11 This matter is being dealt with under the complaints procedure but is also being reported here so that this representation can be considered when deciding the proposals. A copy of this complaint is also in the Members Room.

FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any implications for funding the additional floor area at St Luke's Junior School will be met from the Individual School Budget (ISB), which may increase as a result of any additional pupils coming into the Authority. If no additional pupils come into the Authority then the additional funding St Luke's Junior School will receive will come from within the existing ISB. Any capital costs arising from the proposal would have to be met from within the Education Capital Programme which includes streams such as the Primary Capital Programme, NDS modernisation and a contribution from the schools Devolved Formula Capital (DFC). The full cost of the proposal will be reported in due course.

Finance Officer Consulted: Sue Coleman

Date: 05/02/2009

Legal Implications:

- 5.2.1 Statutory notices were published on 12th January 2009 in accordance with Section 15(1) of the Education and Inspections Act 2006 and the accompanying School Organisation (Establishment and discontinuance of Schools (England) Regulations 2007 as amended in respect of the proposal to close St Luke's Infant School. Statutory notices were published on 12th January 2009 in accordance with Section 19(1) of the Education and Inspections Act 2006 and the accompanying School Organisation Regulations (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 as amended in respect of the proposal to extend the age range and enlarge the premises of St Luke's Junior School. The statutory period for representations to be made, (six weeks in respect of the closure and extending the age range and four weeks in respect of the enlargement of the premises) followed. The closing date for receipt of representations or objections was therefore 23rd February 2009 in respect of the closure and extending of the age range and 9th February 2009 in respect of the enlargement of the premises.

5.2.2 The Education and Inspections Act 2006 sets out who decides proposals for any alterations to schools. In the case of these proposals the decision is to be taken by the LA with some rights of appeal to the schools adjudicator. The Children and Young People Cabinet Member will act as the Decision Maker for the Local Authority.

5.2.3 The Cabinet Member is required to have regard to the statutory guidance issued by the DCSF in making that decision. Full copies of the DCSF guidance documents 'Making changes to a Maintained Mainstream School (Other than Expansion) and Closing a Maintained Mainstream School' are in the Members Rooms. Paragraphs 4.15 to 4.60 of the Making Changes to a Maintained Mainstream School Guidance sets out the factors that must be considered by Decision Makers when determining a statutory proposal to change the age range of the school and paragraphs 4.15 to 4.62 of the Closing a Maintained Mainstream School set out the factors that must be considered by Decision Makers when closing a school.

5.2.4 In addition the DCSF guidance provides that there are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals.

a Any information missing? If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided.

b Does the published notice comply with statutory requirements?

The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

c Has the statutory consultation been carried out prior to the publication of the notice?

Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

d Are the proposals linked or related to other published proposals?

Regulation provides that where proposals are related they must be considered together. Paragraphs 4.11- 4.14 provide statutory guidance on whether proposals should be regarded as "related".

5.2.5 In considering proposals for making changes to the age range of a school, and

closing a maintained mainstream school the Decision Maker can decide to:

- reject the proposals
- approve the proposals
- approve the proposals with a modification
- approve the proposals subject to them meeting a specific condition.

5.2.6 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations. In this instance there are no circumstances where a conditional approval would be acceptable.

5.2.7 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision. Section 7 of this report gives the reasons for the decision based on the legislative framework within which the decision must be decided.

Lawyer Consulted: Serena Kynaston

Date: 04/02/2009

Equalities Implications:

5.3 Planning and provision of school places are conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The City council and voluntary aided school governing bodies must be mindful of bad practice as described in the Admission Code of Practice.

Sustainability Implications:

5.4 Planning and provision of school places are intended, as far as it is possible, to provide pupils, parents and carers with local places where they have asked for them. This is subject to limitations in school capacity, the funding available and the priority order for capital development determined by the Council.

Crime & Disorder Implications:

5.5 There are no implications for the prevention of crime and disorder arising from this report.

Risk and Opportunity Management Implications:

5.6 There are no risk issues in terms of resources or risks to children as a result of this proposal.

Corporate / Citywide Implications:

5.7 All planning and provision for school places in the City should be operating on the basis of admission limits and admission priorities which have been the subject of broad consultation. The effective coordination of planning arrangements should lead to sufficient school places in all areas of the City and the removal of excess provision.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The alternative option is to leave the schools as separate infant and junior schools.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 It is recommended that the proposals to change the age range of St Luke's Junior School and expand the premises accordingly and to close St Luke's Infant School by one form of entry are approved.
- 7.2 Both are popular and successful schools that many parents and carers choose for their children. There is no evidence to suggest that the size of a school has any effect on the success of a school.
- 7.3 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 head teacher 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 primary education.
 - Practical advantages to parents' e.g. same staff development days, the same school policies relating to home links, 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.
- 7.4 The public consultation prior to publication of the notices showed that a number of parents and carers of the current infant school were unhappy with the proposal to create an all through primary school as in their opinion this would be to the detriment of early years teaching in the school. This point was considered at that time and on balance it was considered that this would not be the case. This view has not changed. It is considered that the proposed changes will benefit pupil and staff development.
- 7.5 The two schools currently provide a range of extended services to the school community; this situation will not change as a result of these proposals.
- 7.6 The school is covered by the Council's admissions arrangements which strives to provide a truly local school which serves its most immediate community and assists in the aspirations of the Local Authority in terms of green travel arrangements.
- 7.7 The two schools currently occupy different floors of the same building. There is no intention to change this in the immediate future. However, as with all schools in the City, the Council continually monitors the condition and suitability of school

premises and it is recognised that some of the infant classrooms are smaller than would ideally be the case. This will be considered in the same way as similar needs at other schools within the City and programmed accordingly.

SUPPORTING DOCUMENTATION

Appendices:

1. NONE

Documents In Members' Rooms

1. Copy of the full proposal information
2. Copy of DCSF Guidance document 'Making Changes to a Maintained Mainstream School (other than Expansion)
3. DCSF Guidance Document 'Closing a Maintained Mainstream School'
4. Representations to the statutory notice

Background Documents

1. None

