SCHOOL ORGANISATION COMMITTEE OF CABINET - 16 July 2009

EXECUTIVE SUMMARY SHEET - PART 1

Title of Report:

SCHOOL PLACE PLANNING FOR THE FUTURE – STATUTORY PROPOSALS - GILLAS LANE PRIMARY SCHOOL

Author(s):

Executive Director of Children's Services

Purpose of Report:

The purpose of the report is to seek the Committee's approval of the statutory proposal published by the Children's Services Directorate to discontinue Gillas Lane Primary School.

Description of Decision:

That the Committee consider the following proposal:

To discontinue Gillas Lane Primary School on 31 August 2012

Under the provisions of the Schedule 2 of the Education and Inspections Act 2006 (EIA) the Authority can either reject the proposal or approve the proposal with or without modification. The Committee is requested to approve the proposal.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework Suggested reason(s) for Decision

There is a clear duty on the Council to address the impact of existing demographic changes and those projected to occur in the medium and longer term. In approving the closure of Gillas Lane Primary School the surplus place position within that geographical area will be addressed and the additional resources available to the receiving school will ensure long term stability for education in that area and maintain and progress educational attainment.

Alternative options to be considered and recommended to be rejected:

The alternative would be not to agree to the closure of the school and to maintain the current number of schools in the area.

Is this a "Key Decision" as defined in the Constitution? Yes	Relevant Review Committee
Is it included in the Forward Plan?	Children, Young People and Learning
Yes	

SCHOOL PLACE PLANNING FOR THE FUTURE – STATUTORY PROPOSALS -GILLAS LANE PRIMARY SCHOOL

REPORT OF THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

1. PURPOSE OF THE REPORT

1.1 The purpose of the report is to seek the Committee's approval of the statutory proposal published by the Children's Services Directorate to discontinue Gillas Lane Primary School.

2. DESCRIPTION OF THE DECISION

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3. BACKGROUND

- 3.1 The Local Authority (LA) has a duty to review surplus places within its schools and has carried out reviews annually in order to manage this in line with falling pupil numbers.
- 3.2 The LA has a good record of tackling surplus places and has removed over 6,000 places from the primary sector since 2001. The last major review was held in 2003 in which three primary schools were proposed for closure and four were proposed for amalgamation. The last re-organisation resulting from the 2003 review the amalgamation of Havelock and Pallion Primary Schools to form Highfield Primary School took effect from September 2006. In more recent years reviews have focused upon the reduction of Published Admission Numbers (PANS) where possible rather than proposals to close or amalgamate schools.
- 3.3 Reductions in PAN are a key method for schools to reduce surplus places (involving a reduction in the admission 'intake' number and a corresponding reduction in the schools physical capacity) but beyond a certain point this incremental method to reduce places is not always sustainable for individual schools. In particular, where schools are already at, or significantly below, one form entry, it is difficult to see how PAN reductions can be effective in the longer term.
- 3.4 Reducing surplus places and reconfiguring school provision has clear educational benefits. Having the appropriate size and location of schools has a beneficial impact upon schools' delivery of teaching and learning. An excess of places ties up resources that could otherwise be invested in teaching and learning. There are other benefits:

- (i) Schools with high numbers of surplus places must manage the organisation of classes and curriculum with fewer resources;
- Smaller numbers of pupils will reduce the amount of money coming into the Council as part of the annual funding settlement. The annual schools budget must still fund the fixed cost element of all existing schools from this reducing sum;
- (iii) If surplus places and therefore the fixed cost elements are reduced, more funding is available for all pupils;
- (iv) In capital terms there is a significant cost burden in maintaining surplus buildings and capacity.
- 3.5 There are two key calculations that are taken into account in measuring LA performance in relation to surplus places the overall number of surplus places calculated as a percentage of total places across the local authority and the number of individual schools with 25+% surplus places.
- 3.6 There has been a decline in pupil numbers over a number of years and that decline is projected to continue over the next five years and beyond. The basis of the projections is current and past admissions trends, live birth data on a ward basis and planned housing development and redevelopment. In terms of housing development, the current economic climate has impacted on the timescales and implementation of developments. However, where practicable and appropriate, potential housing developments have also been included in projections.
- 3.7 As at May 2009, the number on roll at Gillas Lane Primary School was 122 pupils, with a Published Admission Number of 30 in each year group and a net capacity of 210. That represents 88 surplus places and a 42% surplus in the number of places occupied in the school. However, some of the options were interdependent with the position of other schools in the area, in particular Bernard Gilpin Primary School, where the number on roll as at May 2009 was 284 pupils, with a Published Admission Number of 50 in each year group and a net capacity of 350. That represents 66 surplus places and a 19% surplus in the number of places occupied in the school. Given the duty on the Local authority to take action where a school has a surplus of 25% or more, several options have been explored to address the Gillas Lane position, within the context of the area position.
- 3.8 Following a full options appraisal, the most effective long term solution is considered to be the closure of Gillas Lane Primary School and the naming of Bernard Gilpin Primary School as the receiving school.

4. CONSULTATION, PUBLICATION AND REPRESENTATION

- 4.1 Section 16 of the EIA provides that those bringing forward statutory proposals to discontinue a school must consult such persons as appear to them to be appropriate and must also have regard to guidance given by the Secretary of State Consultation has included the following:
 - the governing body of the school
 - families of pupils

- teachers and other staff at the school;
- the governing body, teachers and other staff of Bernard Gilpin Primary School
- families of pupils at Bernard Gilpin Primary School
- teaching and non-teaching any trade unions representing staff at the
- RC and C of E diocesan authorities, despite the school not having a religious character
- Fraser Kemp MP
- Early Years Childcare Strategic Partnership
- Meetings with Ward Members of affected schools
- Regular updates to all Members
- Regular updates to other schools
- The views of pupils from Gillas Lane and Bernard Gilpin Primary Schools, in conjunction with the headteachers
- 4.2 The Secretary of State's Guidance on Closing a Maintained Mainstream School states that those bringing forward proposals should consult all interested parties, and in doing so should:
 - i) allow adequate time;
 - ii) provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted;
 - iii) make clear how consultee's views can be made known; and
 - iv) be able to demonstrate how they have taken into account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals.
- 4.3 The Guidance explains that how the consultation is carried out is not prescribed in Regulations and it is for proposers to determine the nature of the consultation including, for example, whether to hold public meetings. The Guidance also specifies that any preliminary consultation which simply set out options being considered, but which did not confirm specific proposals, would not normally be considered as consultation for the purposes of Section 16 of the EIA, i.e., it would be non-statutory consultation.
- 4.4 Sunderland has an excellent track record in consulting on school re-organisation, exceeding by some way the minimum level of involvement and engagement set out in DCSF guidance. A minimum two stage consultation is a key feature of this. In this case, there was a four stage consultation process, culminating in the consultation upon the proposal in February and March this year.
- 4.5 A full chronology of the consultation undertaken by the LA is set out at Appendix 1.
- 4.6 The following stages of consultation have been held:

Meetings with headteachers and Chairs of Governing Bodies
Meetings with staff, governors, parents/carers and other interested parties
Meetings with staff, governors, parents/carers and other interested parties
Meetings with staff, governors, parents/carers and other interested parties. Liaison with headteachers for pupil consultation

4.7 At stage 1 of the consultation, the background and an outline of the process was presented to headteachers and Chairs of Governing Bodies, who were also invited to share and comment on the current and projected pupil data

At stage 2 of the consultation, a meeting was held at Houghton Kepier School, as the cluster secondary school, and the data was shared with all staff, governors, parents/carers and other interested parties. Response forms were available for views to be submitted for consideration and to inform the next stage of the process.

At stage 3 of the consultation, a meeting was held at Gillas Lane Primary School on 20 October 2008, where options were presented to staff, governors, parents/carers and other interested parties. Notes were taken of the meeting and were subsequently made available. Responses were invited in any format and a response form was also made available.

At stage 4 of the consultation, a meeting was held at the school on 23 February 2009. The proposal was presented to staff, governors, parents/carers and other interested parties. Notes were taken of the meeting and were subsequently made available. Responses were invited in any format and a response form was also made available at each stage of consultation.

- 4.8 At every stage of the consultation Cabinet received reports which included notes of the meetings held with parents/ carers and responses to the consultation to inform and support their decision making.
- 4.9 Following the consultation process, the statutory notice in relation to Gillas Lane Primary School was published on 7 May 2009, with the six week representation period expiring on 18 June 2009. The notice was published in the Sunderland Echo, and posted at the main entrance to the school and at Houghton Library. The statutory notice is attached as Appendix 2 and the full proposal is attached as Appendix 3.
- 4.10 123 representations to the statutory notice have been received: Appendix 4 sets out the representations, the responses to them and gives a breakdown of the number of responses received from parents/carers, residents etc. To avoid repetition, where the same or similar issue has been raised a number of

times, the response has been included the first time the issue appears and is cross referenced where the issue appears subsequently.

- 4.11 On 15 June 2009, a meeting was held with representatives of GLASS, the Leader of the Council and the Portfolio holder for Children and Learning City, with officers also present in an advisory capacity. The GLASS representatives had the opportunity to give their views directly to the Leader of the Council and Portfolio holder for Children and Learning City. A presentation was given and points and issues raised by the representatives, with notes taken of the meeting. The notes of the meeting are included in Appendix 4.
- 4.12 If approved, the proposal will be implemented from 1 September 2012.

5. Relevant Extracts from DCSF Decision Makers' Guidance

5.1 Schedule 2 of the EIA provides that the Authority must have regard to guidance issued by the Secretary of State when making decisions on statutory proposals. The relevant parts of the current Guidance are set out here:

Relevant Extracts

• The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents

• The EIA 2006 amends the Education Act 1996 to place new duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

Standards

- The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.
- Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children

from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

• Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test.

Diversity

- The Government's aim is to transform our school system so that every child receives an excellent education whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.
- Decision Makers should consider how proposals will impact on local diversity. They should consider the range of schools in the relevant area of the LA and how they will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps

Every Child Matters

• The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

NEED FOR PLACES

Provision for Displaced Pupils

• The Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker should consider the quality and popularity with parents of the schools in which spare capacity exists and any evidence of parents' aspirations for those schools.

Surplus Places

• It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs should take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places should always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

• The Decision Maker should normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker should consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question should be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

IMPACT ON THE COMMUNITY AND TRAVEL

Impact on Community

- Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school was providing access to extended services, some provision should be made for the pupils and their families to access similar services through their new schools or other means.
- The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, should therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services should be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

Community Cohesion and Race Equality

• When considering proposals to close a school the Decision Maker should consider the impact of the proposals on community cohesion. This will need to be considered on a case by case basis, taking account of the community served by the school and the views of different sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

Travel and Accessibility for All

- In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.
- In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school

Equal Opportunities Issues

• The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflects the ethnic cultural mix of the area, while ensuring that such opportunities are open to all.

SPECIFIC AGE PROVISION ISSUES

Early Years Provision

- In considering proposals to close a school which currently includes early years provision, the Decision Maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.
- The Decision Maker should also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

• When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved

Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

The Special Educational Needs Improvement Test

• When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in the paragraphs below have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

Key Factors

- When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:
 - identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
 - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - c) improved access to suitable accommodation; and
 - d) improved supply of suitable places.
- LAs should also:
 - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
 - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
 - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
 - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.
- Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken

account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

OTHER ISSUES

Views of Interested Parties

• The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

6. REGARD TO STATUTORY GUIDANCE

6.1 For ease of reference the following table cross references the guidance with the full published proposal which is attached as Appendix 3:

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

Guidance

A System Shaped by Parents Standards Diversity Every Child Matters Statutory proposal section(s) Section 6 Section 6 Section 6 Section 14

NEED FOR PLACES

Guidance Provision for Displaced Pupils Surplus Places Statutory proposal section(s) Section 11 Section 5 and section 8

IMPACT ON THE COMMUNITY AND TRAVEL

GuidanceStatutory proposal section(s)Impact on CommunitySection 13Community Cohesion and Race Equality Section 13Travel and Accessibility for AllSection 15 and section 16

SPECIFIC AGE PROVISION ISSUES

Guidance Early Years Provision Statutory proposal section(s) Sections 8 and 11

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Guidance

Statutory proposal section(s) Initial Considerations Section 20 The Special Educational Needs Improvement Test Section 20 Key Factors Section 20

OTHER ISSUES Guidance Views of interested parties

Statutory proposal section(s) Sections 3 &4

7. SUGGESTED REASON(S) FOR DECISION

7.1 There is a clear duty on the Council to address the impact of existing demographic changes and those projected to occur in the medium and longer term. In approving the closure of Gillas Lane Primary School the surplus place position within that geographical area will be addressed and the additional resources available to the receiving school will ensure long term stability for education in that area and maintain and progress educational attainment.

8. **ALTERNATIVE OPTIONS**

8.1 Alternative Options to be Considered and Recommended to be Rejected

The alternative would be not to agree to closure of the school and to maintain the current number of schools in the area.

9. FINANCIAL IMPLICATIONS

- 9.1 An estimated breakdown of the capital expenditure associated with the proposal is £750,000 for the remodelling and establishment of a kitchen at Bernard Gilpin Primary School.
- 9.2 A number of potential sources of capital funding will be used:

Modernisation Funding **Basic Need Funding** Access Initiative Funding Centrally managed grant Funding Schools' Devolved Formula Capital Funding

A capital receipt value has not been included as a potential funding source as it is unlikely to be realised in the near future given the current economic climate.

Modernisation Funding is required to be used to support implementation of the Asset Management Plan. Where there is congruence between the Plan and the proposed developments some funding will be available from this source.

Basic need funding can be used to support school place planning.

Limited access initiative funding may be used to support developments which require adaptations or specialist equipment to improve access for those with disabilities.

There is very limited scope to use funding from small centrally managed grants if the work complies with the purposes of the grants.

Schools receive devolved capital funding which could be utilised to support implementation of the proposal.

9.3 **Revenue Costs and Savings:**

In revenue terms there are a number of implications:

- i. School Running Costs savings will arise from fixed costs funding currently included in the budget of Gillas Lane Primary School. The estimated savings arising from the proposal have been provisionally assessed at £150,000. This funding would be available for distribution to all schools through the funding formula.
- ii. Early Retirement / Redundancy Costs The Council would work with the school and the governing body to maximise re-deployment opportunities wherever possible to mitigate any potential liability. The costs arising from early retirement and redundancy will depend upon the numbers of staff and the scope for re-deployment of displaced staff.

10. LEGAL IMPLICATIONS

10.1 The Chief Solicitor has confirmed that the proposals have been published in accordance with the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007.

11. APPENDICES

Appendix 1 – Chronology of consultation.

Appendix 2 – Statutory Notice

Appendix 3 - Full proposal

Appendix 4 - Representations and responses to them