

## CABINET MEETING –10 OCTOBER 2012

### EXECUTIVE SUMMARY SHEET – PART I

**Title of Report:**

HYLTON RED HOUSE PRIMARY/BISHOP HARLAND CHURCH OF ENGLAND  
 PRIMARY SCHOOLS - OUTCOMES OF FIRST STAGE CONSULTATION ON  
 FUTURE ARRANGEMENTS

**Author(s):**

Executive Director of Children's Services

**Purpose of Report:**

The purpose of this report is to report back to Cabinet on the outcomes of first stage consultation on future arrangements with regard to Bishop Harland CE and Hylton Red House Primary Schools.

**Description of Decision:**

Cabinet is recommended to:

- i. Consider the responses received during the first stage of consultation on options to re-organise the existing Bishop Harland CE and Hylton Red House Primary Schools.
- ii. Subject to Cabinet being satisfied that consultation responses support this to agree to the publication of a statutory notice for the proposed discontinuance of Bishop Harland CE Primary School and Hylton Red House Primary School by the Local Authority, which will be related to the publication of a statutory notice by the Diocese of Durham for the proposed establishment of a new voluntary aided primary school on the Hylton Red House site with effect from 1<sup>st</sup> September 2013.

**Is the decision consistent with the Budget/Policy Framework?      \*Yes/No**

**If not, Council approval is required to change the Budget/Policy Framework**

**Suggested reason(s) for Decision:**

Both Bishop Harland CE and Hylton Red House Primary Schools are on an improvement journey, having recently been subject to Department for Education (DfE) scrutiny as schools in an Ofsted category of concern. Both have significant levels of surplus places currently which present challenges in the sustainable delivery of effective education moving forward. Stage 1 of the consultation has now been completed with parents, staff, governors, relevant trades unions and the wider community on options for the future of both schools.

**Alternative options to be considered and recommended to be rejected:**

At its meeting on 18 July 2012, Cabinet requested that options be presented for consultation rather than one proposal. Three options were subsequently discussed and are as follows:

Close Bishop Harland CE Primary School and transfer all pupils to Hylton Red House Primary School;

Close Bishop Harland CE Primary School and Hylton Red House Primary School and open a new voluntary aided primary school on the Hylton Red House site;

Keep things as they are but this would mean further changes in the future.

The deadline for all consultation responses is 28 September at which time a preferred option will be recommended to Cabinet.

**Impacts analysed:**

Equality

Privacy

Sustainability

Crime and Disorder

Is this a “Key Decision” as defined in  
the Constitution?                      Yes

Is it included in the 28 day Notice of  
Decisions?                              Yes

Scrutiny Committee:

**HYLTON RED HOUSE PRIMARY/BISHOP HARLAND CHURCH OF ENGLAND PRIMARY SCHOOLS – OUTCOME OF FIRST STAGE CONSULTATION ON FUTURE ARRANGEMENTS****REPORT OF THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES****1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide feedback to Cabinet on the first stage consultation on future arrangements for Bishop Harland CE and Hylton Red House Primary Schools.

**2. DESCRIPTION OF DECISION**

- 2.1 Consider the responses received during the first stage of consultation on options to re-organise the existing Bishop Harland CE and Hylton Red House Primary Schools;
- 2.2 Subject to Cabinet being satisfied that the consultation responses support this, to agree to the publication of a statutory notice for the proposed discontinuance of B H CE Primary School and HRH Primary School by the Local Authority, which will be related to the publication of a statutory notice by the D of D for the proposed establishment of a new voluntary aided primary school on the HRH site with effect from September 2013.

**3. BACKGROUND**

- 3.1 The 18 July 2012 Cabinet Report provided detailed information about the rationale for proposing change at Bishop Harland CE Primary School and Hylton Red House Primary School. In brief, both schools in recent years have faced and dealt with significant challenges in terms of Ofsted Inspection. The surplus places in each school also present budgetary challenges which could impact on the ability to sustain and progress their substantial improvements made to date. When Bishop Harland CE School had difficulty in recruiting a substantive headteacher, in consultation with the Local Authority and the governing bodies of both schools, it was proposed that the headteacher at Hylton Red House take on this role on a temporary basis. This has led to a 'soft' federation between the two schools which has created successful joint working between teaching staff and governors in a number of curriculum and pastoral areas. Children from both schools now also take part in joint learning. Bishop Harland CE School has recently had an Ofsted Inspection and is now judged to be satisfactory. Nevertheless, there are still significant national drivers which may impose a different organisational model for one or both schools.
- 3.2 The current numbers on roll are 143 at Bishop Harland and 330 at Hylton Red House, a total of 473. The number of surplus places is 67 and 97 respectively, a total of 164 between the two schools. This equates to approximately 25% surplus places.

- 3.3 The schools have already begun to reap the educational benefits brought about by working together and joining up resources. One of the options set out in the 18 July Cabinet Report was therefore to formally join the two schools by closing both existing schools and opening a new voluntary aided school on the Hylton Red House site in existing buildings. Bringing the two schools together as one school for the community at Red House would make the resulting school sustainable for the future and would position it to create positive educational benefits for the delivery of education. Reducing surplus places and reconfiguring school provision can also have clear educational benefits: having the appropriate size school has a beneficial impact upon schools' delivery of teaching and learning including class size organisation. An excess of places ties up resources that could otherwise be invested in teaching and learning.
- 3.4 Initial consultation with the governing bodies of both schools also included consultation with Hylton Red House nursery staff and governing body, who were asked to consider whether the nursery should be part of the proposal. Following discussion, Governors of the nursery school did not wish to progress this further. As Bishop Harland CE School has a nursery with 26 part time places, if the two schools were brought together as one school on the Hylton Red House site, it was proposed that the nursery class be transferred to Hylton Red House Nursery School.
- 3.5 The governing bodies of both Bishop Harland and Hylton Red House schools have worked in partnership with officers of the Council and the Church of England Diocese of Durham, over a period of time to consider options for an innovative solution to provide a sustainable and robust future for primary education to serve the Hylton Red House community.

#### **4. OPTIONS FOR CONSULTATION**

- 4.1 In addition to the option described in the Cabinet Report of 18 July 2012 to close both schools and to re-open a new voluntary aided primary school in existing buildings on the Hylton Red House Primary site, Cabinet requested that other options be considered in the first stage of consultation. The issue of one school being voluntary aided and the other maintained presented challenges and limits the viable options available because of the differing governance arrangements required. For example, a hard federation could not be established because the legal constitution of the governing bodies is different. However two other options were developed and so the range considered at consultation stage are as follows:

**Option 1** - To close Bishop Harland CE Primary School and transfer all pupils to Hylton Red House Primary School;

**Option 2** - To close Bishop Harland CE Primary School and Hylton Red House Primary School and to open a new voluntary aided Church of England school on the Hylton Red House site;

**Option 3** - To keep things as they are but this would mean further changes in the future.

- 4.2 The key difference between Option 1 and option 2 is that in option 1 the Church of England status of Bishop Harland would be lost in the closure of the school whereas in option 2 this would be retained. The other difference is that in option 1 only the staff in Bishop Harland would be subject to redundancy before being ringfenced to any posts arising from the increase in size at Hylton Red House Primary, whilst in option 2 all staff would be made redundant and then ringfenced to opportunities within the new school. In option 2 the proposed new school would be a 2.5 form entry school and the existing nursery provision from Bishop Harland CE School would transfer to Hylton Red House Nursery School.
- 4.3 The 'status quo' option which would see both existing schools remain as they are was also included within the consultation. The likely outcome of this option is that DfE would require Bishop Harland to become an Academy as part of an academy chain, with potentially an external sponsor, on the basis of current Ofsted performance.
- 4.4 The consultation leaflet and response form are attached at Annex 1.

## **5. CONSULTATION PROCESS AND OUTCOMES**

- 5.1 The first stage informal consultation on options began on 4<sup>th</sup> September 2012 and concluded on 28<sup>th</sup> September 2012. Five meetings were held in total for the staff, governors, parents and wider communities of both schools and Hylton Red House Nursery. The notes of the public meeting held on 11<sup>th</sup>, 12<sup>th</sup> and 17<sup>th</sup> September are appended in Annex 2 of this report. Notes of the staff and governing body meetings will be available to view prior to the Cabinet Meetings. Trades Union representatives were also present at each of the meetings.
- 5.2 Information about the rationale and options for consultation were sent to the parents of both schools and Hylton Red House Nursery and the wider community. Responses were sought by the due date of 28<sup>th</sup> September. A breakdown of the responses received is also attached at Annex 2 to this report, along with some comments provided by respondents.
- 5.3 In terms of the consultation response forms, the breakdown shows that the significant majority of respondents (more than 95%) support 'Option 2' – to close both schools and to create a new Church of England School on the Hylton Red House Site. Most of the commentary that is provided acknowledges that the schools are already working well together in the soft federation and can build upon this success to improve outcomes for the children in both schools. There is some support for retaining a Church of England presence in the north of the

city at the new school with others seeing Option 2 as the fairest option given that both schools would close to create the new entity. Whilst supporting Option 2, there are a number of responses that express concerns about the additional distance that children may have to travel to school in bad weather and access/ parking arrangements on the Hylton Red House site. Should Option 2 progress to statutory proposal stage, then further work will be done in consultation with parents to address concerns.

- 5.4 Although the consultation responses show significant support for Option 2, a separate petition containing 71 signatures was presented at the Bishop Harland CE School public meeting on 12<sup>th</sup> September to 'Keep Bishop Harland open'. The meeting was informed that signatures had been collected locally from residents of the Hylton Red House estate. This petition has been logged as part of the overall consultation response.
- 5.5 One clear concern is the future of the Bishop Harland CE site should the option to close both schools to form a new school on the Hylton Red House site. Should this occur, it is likely that the ownership of the new school site would transfer to the Diocese of Durham from the Council, with the ownership of the Bishop Harland site transferring from the Diocese to the Council. Should Option 2 be progressed there will be further consultation with the residents of the estate on the future of the Bishop Harland site given the reasonable concern that have been expressed.

## 6. NEXT STEPS IN THE CONSULTATION PROCESS

- 6.1 Subject to Cabinet agreement, the next step in the consultation process will be the publication of statutory proposals by the Local Authority and the Diocese of Durham. The future process and timescales would be as follows:
  - (i) **Publication** of statutory notices in October 2012 following Cabinet recommendation – 1 day
  - (ii) **Representation** - Must be 6 weeks - up to late November 2012. This phase would include further public meetings and an opportunity for statutory representations to be made in objection to or in support of the proposal.
  - (iii) **Decision** – School Organisation Committee of Cabinet must decide the proposals within 2 months maximum - December 2012
  - (iv) **Opening of the new school**– September 2013

## 7. REASONS FOR THE DECISION

- 7.1 Both Bishop Harland CE and Hylton Red House Primary Schools are on an improvement journey, having recently been subject to Department for Education scrutiny as schools in concern. Both have significant levels of surplus places currently which present challenges in the sustainable delivery of effective education moving forward.

## **8. ALTERNATIVE OPTIONS**

8.1 At its meeting of 18 July 2012, Cabinet requested that options be presented for consultation rather than one proposal. Three options were subsequently discussed and are as follows:

- (i) Close Bishop Harland CE Primary School and transfer all pupils to Hylton Red House Primary School;
- (ii) Close Bishop Harland CE Primary School and Hylton Red House Primary School and open a new voluntary aided primary school on the Hylton Red House site;
- (iii) Keep things as they are but this would mean further changes in the future.

8.2 The deadline for all consultation responses is 28 September at which time a preferred option will be recommended to Cabinet.

## **9. LEGAL IMPLICATIONS**

9.1 Any proposals for school re-organisation require the publication of statutory proposals, in this case by the Local Authority and the Diocese of Durham. From May 2007 decisions on school organisation are an executive function of the Council, carried out by the School Organisation Committee (SOC) of Cabinet. The indicative timescales shown above suggest that decisions will be required in December 2012.

9.2 Should Cabinet agree to take forward an option which brings both schools together, further work would need to be undertaken in relation to the issue of land and property ownership and on the future of the Bishop Harland site. At the present time all of the land and buildings at Hylton Red House Primary School are in the ownership of the Council whereas at Bishop Harland School, the playing fields are in the ownership of the Council and the buildings are owned by the Church of England.

## **10. FINANCIAL IMPLICATIONS**

10.1 Both schools are currently funded through Dedicated Schools Grant (DSG). Depending on the option taken forward, capital investment would be required at Hylton Red House School in relation to the condition and suitability of the current building. Discussions are currently underway between council officers and the Diocese of Durham in relation to capital funding and any implications for the Children's Services capital programme will be brought forward for consideration due course. Investment would also be required at Hylton Red House Nursery School to enable the additional numbers to be accommodated.

## **11. RELEVANT CONSULTATION**

11.1 Section 5 of the report outlines the consultation process and outcomes.

## **12. IMPACT ANALYSIS**

- 12.1 Should Cabinet agree to the publication of a statutory notice, an equalities impact assessment will be conducted in conjunction with the statutory consultation.

## **13. ANNEXES TO THE REPORT**

Annex 1	Consultation leaflet and response form
Annex 2	All minutes of public meetings and comments / analysis of all feedback forms will be included in Annex 2

## **BACKGROUND PAPERS**

Cabinet Report 18 July 2012.