

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

5 NOVEMBER 2009

REPORT OF CORPORATE MANAGEMENT TEAM

KEY DECISION

Children and Young People – Lead Cabinet Member – Councillor A Cunningham

BUILDING SCHOOLS FOR THE FUTURE (BSF): PROPOSED CLOSURE OF BLAKESTON SCHOOL, THE NORTON SCHOOL AND THORNABY COMMUNITY SCHOOL

1. Summary

The Strategy for Change Parts 1 and 2 agreed by Cabinet and approved by government agencies included proposals to replace Blakeston School and The Norton School with an Academy located in Stockton, and to replace Thornaby Community School with an Academy on its present site. The closure of any maintained school requires a statutory process of consultation and decision making.

This report summarises the responses received to an initial consultation process and recommends the publication of statutory public notices proposing closure.

The Academies would be established by a separate process involving a funding agreement concluded between the proposed sponsors and the Secretary of State for Children, Schools and Families. These Academies would adopt a new sponsorship model. The principal sponsor of the Academy in Stockton would be NHS Stockton (previously known as Stockton-on-Tees Primary Care Trust). The principal sponsor of the Academy in Thornaby would be Teesside University. Co-sponsors of both Academies would be the Borough Council and a consortium of the two further education colleges in the borough. Both Academies would receive new buildings funded by the BSF programme, but the sponsors intend to propose that both Academies should open initially in the existing buildings of the predecessor schools in order to bring about change as early as possible.

2. Recommendations

Members are asked to agree:

1. that a Public Notice be issued describing a proposal to discontinue Blakeston School and The Norton School with effect from 31st December 2010;

2. that a Public Notice be issued describing a proposal to discontinue Thornaby Community School with effect from 31st August 2010;
3. that authority be delegated to the Corporate Director CESC in consultation with the Cabinet Member for Children and Young People to nominate an officer to represent the Council as co-sponsor in concluding funding agreements for the proposed Academies with the Secretary of State.

Draft Statutory Notices are attached as **Appendix 1**.

3. Reasons for the Recommendations/Decision(s)

Section 15 of the Education and Inspections Act 2006 lays down a statutory procedure that must be followed when major changes to school organisation are under consideration. The Authority must first consult those persons most likely to be affected by the change. Having taken account of the views expressed in consultation, the next stage is to publish a Statutory Notice of the Authority's intention to proceed with the proposals.

Academies are not maintained schools and are established by means of a funding agreement concluded between the sponsors and the Secretary of State. The Authority, as a co-sponsor of each of the proposed Academies, will need to nominate a representative to be a party to those agreements.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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THORNABY COMMUNITY SCHOOL**

SUMMARY

The Strategy for Change Parts 1 and 2 agreed by Cabinet and approved by government agencies included proposals to replace Blakeston School and The Norton School with an Academy located in Stockton, and to replace Thornaby Community School with an Academy on its present site. The closure of any maintained school requires a statutory process of consultation and decision making.

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RECOMMENDATIONS

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DETAIL

Background to the proposal

1. Blakeston School, The Norton School and Thornaby Community School are National Challenge schools. This means that fewer than 30% of their students have been able to achieve five good GCSE passes including maths and English. In spite of the hard work of school staff and support from the Local Authority it has not been possible to raise standards at these schools above the 30% threshold. Thornaby Community School has also been placed into special measures following an inspection by Ofsted. The government expects local authorities to take radical action to secure improved opportunities for the young people in those schools. All three schools meet the criteria for replacement by Academies. This change in the governance of these schools would bring in outside partners with different ideas and expertise and would introduce curriculum flexibilities.
2. Officers have secured the agreement of government agencies to a new model of Academy sponsorship with no private sector involvement. Each of these Academies would have a principal sponsor from the public sector. The principal sponsor of the Academy in Stockton would be NHS Stockton (previously known as Stockton-on-Tees Primary Care Trust). The principal sponsor of the Academy in Thornaby would be Teesside University. Co-sponsors of both Academies would be the Borough Council and a consortium of the two further education colleges in the borough. Funding will be available under Building Schools for the Future (BSF) to construct new buildings for both Academies, but the sponsors intend to propose that both Academies should open initially in the existing buildings of the predecessor schools in order to bring about change as early as possible. Sponsors have provisionally agreed with Government agencies that the proposed Academy in Thornaby should open on 1 September 2010 and the proposed Academy in Stockton on 1 January 2011. The principal sponsors will shortly engage in a programme of public consultation on their plans for the proposed Academies.
3. Academies are not maintained schools. They are independent schools funded directly by government at the same level as other schools in the local authority area. Academies are not established under school organisation legislation but by means of a funding agreement concluded between the sponsors and the Secretary of State. In order to allow negotiation of the funding agreements to take place it is necessary for the Authority to issue formal proposals to close the predecessor schools under Section 15 of the Education and Inspections Act 2006. The Authority must first consult all interested parties and consider the responses received before deciding whether to issue a statutory notice of its intention to proceed with the proposal. Publication of a statutory notice would be followed by a period of six weeks in which any person may make representations in writing. At the end of that period the final decision would be taken by the Corporate Director CESC in consultation with the Cabinet Member for Children and Young People. In this case the decision would be a conditional approval of closure proposals, dependent on the signing of funding agreements for Academies.
4. There is no alternative course open to the Authority that would avoid the need to close these schools, but there is an alternative approach to their replacement. Instead of establishing Academies by direct negotiation with government agencies, the Authority might hold a competition open to any potential promoter of new schools. This course is not recommended because it is impossible to predict which promoters might come forward or what type of school they might seek to promote. The local BSF programme is based on the idea of "Campus Stockton," where all the

secondary schools collaborate and work together to offer the best possible learning opportunities for every student in the borough. A school set up by an independent promoter through competition could choose to stay outside Campus Stockton and not collaborate with the other schools. By choosing to establish an Academy instead of holding a competition it has been possible to approach sponsors who share the Council's vision for the regeneration of the borough and for Campus Stockton. In place of a competition with uncertain outcomes we are able to propose Academies sponsored by public-sector organisations committed to local communities and with the Council as co-sponsor. Academies in Stockton and Thornaby would be full members of the family of schools across the borough. They would apply the Council's policies on admissions, special educational needs and exclusions.

Method of consultation on the proposed school closures

5. Consultation papers attached as **Appendix 2** were distributed to all of the following stakeholders and partners:

School staff at the three affected secondary schools
Governors of the three affected secondary schools
Parents of children attending the three schools, all the feeder primary schools and St Patrick's RC Comprehensive
Community groups who use the three affected secondary schools
All councillors
Teaching and non-teaching staff unions
Stockton South MP, Stockton North MP and the North East MEPs
Thornaby Town Council
Central Area Partnership Board
Eastern Area Partnership Board
Children's Trust Board
All neighbouring local authorities
Diocese of Hexham and Newcastle
Diocese of Middlesbrough
Diocese of Durham
Diocese of York

6. The papers were also published on the Council website. Comments were invited by letter or email. Drop-in sessions were held at the three secondary schools, pupils were invited to submit their views via a pupil suggestion box in each school and a meeting took place for staff at each school.

Responses to consultation

7. One email from a parent of a child at Blakeston School and a telephone call from a parent of a pupil at Thornaby Community School were received during the consultation period. A copy of the email and a summary of the questions raised during the telephone call can be found in **Appendix 3**. Notes were taken at the drop-in sessions and at the meetings for staff. These are also attached in **Appendix 3**. The majority of concerns expressed related to details of the proposed Academies rather than to the proposed school closures. Separate consultation will be carried out on the Academies proposals.
8. Staff employed at these schools would be protected at the time of the establishment of Academies. Staff would be entitled to transfer from Council employment to become employees of the relevant Academy Board of Trustees.

Under the Transfer of Undertakings/Protection of Employment regulations (TUPE) all staff other than agency staff, staff employed by an external organisation, or staff employed on a fixed term contract related to the closure of the existing schools would have the right to transfer to the Academy on their existing terms and conditions.

9. Council officers were also invited to attend an Eastern Area Partnership Board Meeting to discuss the proposal for Thornaby Community School. At this meeting members of the Partnership Board agreed to support the proposed closure of Thornaby Community School and a letter of support confirming this was received on 5th October 2009.

Next steps

10. The publication of a Statutory Notice is followed by a period of six weeks in which any person may make representations in writing for or against the proposal. At the end of that period the Corporate Director CESC in consultation with the Cabinet Member for Children and Young People would make a conditional decision on the school closure proposals pending the signing of funding agreements for the proposed Academies.

FINANCIAL IMPLICATIONS

11. The financial implications of the school closures, and the formation of the academies, will be assessed in detail as part of the on-going project plan for the school developments.

LEGAL IMPLICATIONS

12. These proposals would be published under Section 15 of the Education and Inspections Act 2006. This legislation, and statutory guidance arising from it, sets out the procedures for making changes such as closing or enlarging a school. Local authorities considering such changes must first consult interested parties. Having considered the responses to consultation, the authority must then publish a statutory notice if it intends to proceed with the proposal. The Department for Children, Schools and Families has checked the wording of the draft notices attached to this report and confirmed that they meet all statutory requirements.

RISK ASSESSMENT

13. A risk assessment has been carried out. The proposal is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

14. No implications.

Safer Communities

15. No implications.

Children and Young People

16. The proposal is intended to improve education services for children and young people.

Healthier Communities and Adults

17. No implications.

Liveability

18. No implications.

EQUALITY IMPACT ASSESSMENT

19. An Equality Impact Assessment has been carried out. No adverse impact on any group has been identified.

CONSULTATION INCLUDING WARD/COUNCILLORS

20. Briefings were given to ward councillors at members' seminars:

13th January 2009 and 19th January 2009

11th March 2009 and 26th March 2009

15th June 2009 and 18th June 2009

21. Meetings with School Workforce JCC:

13th January, 9th February, 10th March, 12th May and 9th June 2009.

22. The statutory consultation process is described in this report.

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Background Papers

Cabinet reports dated 21 July 2008, 5 February 2009, and 1 September 2009.
BSF Strategy for Change Parts 1 and 2

Ward(s) and Ward Councillors:

Hardwick: Councillor Nesbitt and Councillor Noble

Roseworth: Councillor Inman and Councillor Beall

Norton North: Councillor Frankland and Councillor K Nelson

Norton South: Councillor Cook and Councillor S Nelson

Norton West: Councillor D Cains and Councillor A Cains

Newtown: Councillor Baker and Councillor Gibson

Stockton Town Centre: Councillor Coleman and Councillor Kirton

Mandale: Councillor Steve Walmsley, Councillor Large and Councillor Trainer

Stainsby Hill: Councillor Craggs and Councillor Sylvia Walmsley

Village: Councillor Dalgarno and Councillor Eddy

Property

The establishment of Academies would require the Council to transfer the ownership of the relevant school sites to the Academy Trusts.