

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

PROPOSED AMALGAMATION OF BEWLEY INFANT SCHOOL AND BEWLEY JUNIOR SCHOOL

1. Summary

The Bewley schools are the only remaining pair of separate infant and junior schools in the borough. The School Organisation Plan published annually includes a policy statement (agreed by Cabinet on 9 March 2006) preferring integrated primary schools.

The Primary Capital Programme (PCP) is a government funding programme intended to support the renewal or improvement of primary school buildings over a fourteen-year period. Confirmation of PCP funding for the next two years allows the Authority to allocate capital to priority projects identified in the PCP Strategy for Change agreed by Cabinet in February. A primary school to replace Bewley Infant School and Bewley Junior School was included among the priorities in the Strategy for Change.

It is proposed that a largely new building be constructed on the combined Bewley sites in September 2011. This would involve closing the existing schools and establishing a new school. This requires a statutory process of consultation and decision making. Initial consultation with parents, school staff and governors has established that the prospect of a largely new building has removed most of the opposition that existed when amalgamation at Bewley was suggested three years ago. The present proposal has the support of both headteachers. Some concerns remain, and these are addressed in the body of this report.

2. Recommendations

Members are asked to agree that a statutory Public Notice be issued describing a proposal to:

1. discontinue Bewley Infant School and Bewley Junior School with effect from 31st August 2011, and
2. establish a new primary school with effect from 1st September 2011.

A draft Statutory Notice is attached as **Appendix 1**.

3. Reasons for the Recommendations/Decision(s)

Sections 7 to 15 of the Education and Inspections Act 2006 lay 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.

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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**REPORT OF CORPORATE
MANAGEMENT TEAM**

KEY DECISION

**PROPOSED AMALGAMATION OF BEWLEY INFANT SCHOOL AND BEWLEY
JUNIOR SCHOOL**

SUMMARY

The Bewley schools are the only remaining pair of separate infant and junior schools in the borough. The School Organisation Plan published annually includes a policy statement (agreed by Cabinet on 9 March 2006) preferring integrated primary schools.

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It is proposed that a largely new building be constructed on the combined Bewley sites in September 2011. This would involve closing the existing schools and establishing a new school. This requires a statutory process of consultation and decision making. Initial consultation with parents, school staff and governors has established that the prospect of a largely new building has removed most of the opposition that existed when amalgamation at Bewley was suggested three years ago. The present proposal has the support of both headteachers. Some concerns remain, and these are addressed in the body of this report.

RECOMMENDATIONS

Members are asked to agree that a statutory Public Notice be issued describing a proposal to:

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DETAIL

Background to the proposal

1. In general the Authority prefers primary schools rather than separate infant and junior schools. In recent years four pairs of infant and junior schools have been amalgamated, and the Bewley schools are now the only remaining pair of separate infant and junior schools in the borough.

2. This is the second time that the possibility of amalgamating these two schools has been considered. Consultation in 2006 showed no support for amalgamation at that time, largely because a primary school would have had to operate in the separate buildings of the existing schools. The proposal now before members is very different.
3. The government has confirmed that Stockton-on-Tees will receive funding for at least two years under the Primary Capital Programme (PCP) to improve or replace primary school buildings in the borough. The Bewley schools have been identified for priority investment under PCP as set out in the Strategy for Change agreed by Cabinet in February 2009. The proposed new school would be a single building, largely new build, and the school, nursery and playing fields would all be on one site. The new building could be ready for September 2011. A sum of £3.5 million has been provisionally included in the PCP budget for this scheme.
4. Major changes to school organisation require a statutory process of consultation and decision under Sections 7 to 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. Paragraphs 8 to 11 of this report summarise the responses to that initial consultation process. Notes of consultation meetings and copies of all communications received are included as **Appendix 3** to this report.
5. 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 on most school reorganisation proposals is normally delegated to the Corporate Director CESC in consultation with the Cabinet Member for Children and Young People. The procedure will be different in this case. Where a new school is proposed, local authorities must normally hold a competition open to any potential promoter of the new school. Promoters might be charities, businesses, religious organisations or groups of parents, and the school to be created would normally be a foundation school or a voluntary aided school. Section 10 of the Act allows local authorities to seek the consent of the Secretary of State for Children, Schools and Families to propose a new community school without holding a competition where the circumstances would make a competition inappropriate. This is consent to issue a proposal, not consent to establish the school. If consent is given, the final decision on the new school proposal cannot be taken by the local authority but must be taken by an independent adjudicator. The consent of the Secretary of State was received on 18 August to allow the Authority to propose a new community primary school to replace the Bewley schools.

Method of consultation

6. A consultation paper attached as **Appendix 2** was distributed to school staff, governors, and parents of children attending the two schools (including children in the nursery unit at Bewley Infant School). It was also published on the Council website. Comments were invited by letter or email. Meetings took place at the two schools for parents and staff, and Council officers attended meetings of the two school governing bodies.

Responses to consultation

7. Two emails were received from parents during the consultation period. One of these was in support of the proposal, while the other was strongly against it. A third email received after the end of the consultation period expressed the view that the two

separate schools are successful as they are, and there seems no good reason for change. All three messages are reproduced in full in **Appendix 3**. Notes were taken at the two parents' meetings and at the joint meeting for staff. These are also attached in **Appendix 3**.

8. The view that change seems unnecessary was expressed at both meetings for parents. There is clearly a concern that these successful and popular schools might be put at risk, either by the process of reorganisation or by the potential disruption caused by building work. The benefits of amalgamation were not immediately apparent to many parents. The Authority's preference for primary schools is based on the educational benefits of primary schools. Teaching and learning can be more consistent across the age ranges, with one headteacher and a single staff team working in a single building. The transition from infant school to junior school would be avoided, along with the need for a separate admissions process. Staff in primary schools enjoy a greater breadth of experience and enhanced career opportunities compared with those working in a single key stage. Management and governance of the school can benefit from a larger budget and opportunities for economies of scale. At the second of the two meetings for parents both headteachers voiced their support for the amalgamation proposal and their confidence that a primary school at Bewley would be at least as successful as the two separate schools.
9. Aside from the educational case for amalgamation, the condition of the buildings at both schools means that the Council cannot simply leave the schools as they are. Surveys point to a need to invest more than £1 million on maintenance work over the next ten years. This is not due to any structural defects or neglect of maintenance in the past, but simply that important elements of the buildings (e.g. roofs, heating and lighting systems) are reaching the end of their useful life and will need to be replaced. An investment of £3m+ in a largely new building would offer better value for the long term and could be managed in a way that would minimise disruption to teaching and learning. The present buildings are structurally sound and safe, but the working environment for children and staff is likely to deteriorate in the coming years. The money available to the Council from April 2010 provides an opportunity for renewal that may not come again for many years.
10. There was some concern over the impact of reorganisation on school staff: that the expertise of staff in particular key stages might be lost, or that amalgamation would place some staff members at a disadvantage. There is no doubt that reorganisation would create a period of uncertainty for staff, but the present headteachers are already working to alleviate this by planning for a joint future. Amalgamation would result in some duplication of posts and responsibilities. If the proposal is approved by the adjudicator, a temporary governing body would be set up to manage the transition to a primary school. The temporary governing body would be made up of existing governors from both schools. Working with the existing headteachers and governing bodies of the infant and junior schools, they would appoint a headteacher designate, draw up a new staffing structure appropriate to the needs of a primary school, and attempt to place existing staff members in suitable posts. This process could begin eighteen months before the new primary school opened.
11. Other questions raised at the parents' meetings included school management issues such as future class sizes and concern about possible bullying. There was concern about whether any part of the present school sites would be lost. It is likely that the total area occupied by the two schools would be retained in order to ensure sufficient playing fields area, safe access routes and adequate parking space for a primary school.

12. A primary school would receive an annual budget around £62,000 less than the combined budgets of the two separate schools. This is because school budget shares, largely based on pupil numbers, include some flat-rate elements. This loss (out of a budget in excess of £1.3 million) would be more than offset by savings accruing from reduced energy and maintenance costs in the new building, and the removal of duplicate staff posts.

Next steps

13. 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 all the papers relating to the proposal will be sent to the Office of the Schools Adjudicator in Darlington. A final decision may be expected within two months.

FINANCIAL IMPLICATIONS

14. Capital funding for the new school project would be taken from the Primary Capital Programme allocation received from government in 2010-11 and already confirmed. The amalgamation of these schools would have no impact on Council revenue budgets. All mainstream schools in the borough receive an annual revenue budget calculated by formula as a share of the Dedicated Schools Grant (DSG). The budget share allocated to a Bewley primary school (estimated at £1.3 million) would be about £62,000 lower than the aggregated budgets of the two separate schools at 2009-10 prices. That £62,000 would remain in the DSG and would be shared among all primary schools.

LEGAL IMPLICATIONS

15. A local authority may not propose to establish a new community school outside of a competition without first obtaining the consent of the Secretary of State under Section 10 of the Education and Inspections Act 2006. An application for consent was made in July and consent granted in August 2009. The letter from the Department for Children, Schools and Families confirming consent is attached as **Appendix 4**.
16. This proposal would be published under Sections 10 and 15 of the Education and Inspections Act 2006 and Schedule 2 to that Act. 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 notice attached to this report and confirmed that it meets all statutory requirements.

RISK ASSESSMENT

17. 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

18. No implications.

Safer Communities

19. No implications.

Children and Young People

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

Healthier Communities and Adults

21. No implications.

Liveability

22. No implications.

EQUALITY IMPACT ASSESSMENT

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

CONSULTATION INCLUDING WARD/COUNCILLORS

24. Briefings were given to group leaders and ward councillors at an early stage. The statutory consultation process is described in this report.

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Background Papers

Primary Capital Programme Strategy for Change
Cabinet reports dated 5 February 2009.

Ward(s) and Ward Councillors:

Billingham North: Councillors Aggio, Apedaile and Leckonby

Billingham East: Councillors Cunningham and Stoker

Billingham Central: Councillors McCoy and Woodhouse

Billingham South: Councillors O'Donnell and Smith

Billingham West: Councillors Womphrey and Mrs Womphrey

Northern Parishes: Councillor Gardner

Property

The proposal would enable the Council to modernise existing property.