

TITLE OF REPORT: **Primary and Secondary Reviews: Consideration of Objections to School Closures and Determination of Proposals**

REPORT OF: **Margaret Whellans, Group Director Learning and Children**
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Purpose of the Report

1. To consider objections received during the statutory representation period following the publication of the closure proposals in respect of Hookergate School, St John the Baptist and Sacred Heart RC Primary Schools.

To take account of the Statutory Guidance on school closure proposals and then determine the proposals.

Background

2. In September 2010, Cabinet approved the publication of proposals to close the following schools:
 - Marley Hill Community Primary School with effect from 31 December 2010;
 - Sacred Heart RC Primary School, with effect from 31 August 2011;
 - St John the Baptist RC Primary School, with effect from 31 August 2011;
 - Hookergate School, with effect from 31 August 2011.
3. Following this decision, Statutory Notices and detailed proposals were published in accordance with the statutory guidance. Copies of the detailed proposals are attached to this report in Appendix 3. The publication process allows a six week period for representations to be made on the proposals, during which any person may make comments or objections on the proposals. Cabinet must take account of any representations received before determining the proposals.
4. At the end of the six week representation period, objections had been received in respect of Sacred Heart and St John the Baptist RC Schools and Hookergate School. Details of the objections received are contained in Appendix 2. No objections were received in respect of the closure of Marley Hill School.

Decision Making

5. As no objections were received in respect of the closure of Marley Hill, the Council must implement the proposal and therefore the closure proposal was determined by the Group Director, Learning and Children, under delegated powers, on 19 November 2010. Marley Hill Primary School will therefore close on 31 December 2010. All necessary arrangements in respect of the closure are in place. Parents,

staff and governors were informed of the decision on 19 November. All but a few children have previously transferred to other schools.

6. The Cabinet is the “Decision Maker” in respect of the closure proposals for Hookergate, St John’s and Sacred Heart. The Decision Maker has to take account of the statutory guidance issued by the Secretary of State before reaching a decision. The initial decision is to consider the following tests, to ensure the legality of the proposals:
 - Is any information missing from the proposals?
 - Do the published notices comply with statutory requirements?
 - Has the statutory consultation been carried out prior to the publication of notices?
 - Are the proposals “related” to any other published proposals?
7. The Strategic Director, Legal and Corporate Services confirms that the notices and proposals meet all four of these tests. No information is missing, the published notices are compliant, consultation has been carried out in accordance with statutory guidance and the proposals are not related to any others. However, the issue of the adequacy of consultation has been raised by some objectors, and this point is addressed in more detail in Appendix 1.
8. The next stage of the process is for the Cabinet to have regard to a number of factors identified in the statutory guidance. The list of factors is not exhaustive and their importance will vary depending on circumstances. Each proposal must be considered on its merits. The factors in the guidance to be considered include:
 - Are the proposals consistent with the Council’s duties?
 - Will the proposals help to raise standards?
 - How will the proposals impact on the balance of denominational provision?
 - How will the proposals help promote the “Every Child Matters” principles?
 - Will there be sufficient capacity in the area for displaced pupils?
 - How will the proposals impact on families and the community?
 - Do the proposals take account of the accessibility of alternative provision?
 - What is the impact of the proposal on transport/travel arrangements?
 - Is the school a rural school and, if so, is the case for closure strong?
 - Has consideration been given to alternatives to closure?
9. These factors (and others) have been carefully considered throughout the review and consultation processes. The published proposals (Appendix 3) also address these points in more detail. Cabinet must decide whether it is satisfied that all the above factors have been taken account of before determining the proposals.
10. The final stage of the decision process is for Cabinet to consider the views of those affected by the proposals or who have an interest in them. Decision makers are advised that they should not simply take account of the numbers of people expressing a view, but should give the greatest weight to those stakeholders who are most directly affected by the proposals. The objections and representations received are listed in Appendix 2, together with a summary of the key points made. Cabinet must review these representations and decide whether any significant issues are raised which have not been previously considered or addressed, and whether any give good cause not to proceed with the proposed closures.

11. It should be noted that following a decision by Cabinet, there is a right of appeal to the independent Schools Adjudicator in the case of the two RC Voluntary Aided primary schools. The right of appeal is available to the RC Bishop of the Diocese and to the governing body of the schools concerned.

Proposals

12. In summary, Cabinet is asked to consider:
- whether it is satisfied that all the legal requirements have been met;
 - whether sufficient account has been taken of the issues listed in the statutory guidance (and any other relevant issues);
 - whether the issues raised by objectors have been taken account of as far as possible.
12. If Cabinet is satisfied on these points, it is recommended that the closure proposals in respect of Hookergate School, St John the Baptist and Sacred Heart RC Primary Schools be approved.

Recommendations

13. It is recommended that Cabinet:
- (i) notes the decision to close Marley Hill Community Primary School with effect from 31 December 2010;
 - (ii) confirms that it is satisfied that all the legal requirements in respect of the statutory process for school closures have been met;
 - (iii) confirms that it has taken full account of the statutory guidance in reaching its decisions
 - (iv) confirms that it has taken full account of the issues raised by objectors in reaching its decisions;

and if satisfied in respect of the above criteria,

- (v) determines the proposal without modification to close Hookergate School with effect from 31 August 2011;
- (vi) determines the proposal without modification to close Sacred Heart RC Primary School with effect from 31 August 2011;
- (vii) determines the proposal without modification to close St John the Baptist RC Primary School with effect from 31 August 2011.

For the following reasons:

- (i) to meet the Council's statutory duty to promote high educational standards and ensure that all Gateshead schools are able to deliver the best education possible;
- (ii) to meet the Council's statutory duty to ensure sufficient school places, to provide efficient education and make effective use of resources.

Policy Context

1. The Council has statutory duties to:
 - ensure that there are sufficient schools and places in its area;
 - promote high educational standards;
 - ensure fair access to educational opportunity;
 - promote diversity and increase parental choice;
 - make efficient use of its resources, including the removal of surplus places in schools;
 - promote the fulfilment of every child's educational potential.

Background

2. As the Decision Maker in respect of these school closure proposals, Cabinet has to take account of the statutory guidance for Decision Makers and also the views expressed during the representation period. The statutory guidance requires the decision maker to check the legality of the process, and to take account of a number of factors in order to reach a decision. These points have been addressed in paragraphs 6-9 of the first part of this report.
3. The final stage of the decision process is to consider the views expressed during the statutory representation period. The list of objections received and the issues raised are summarised in Appendix 2 to this report. Analysis of these issues shows that all have been addressed during earlier stages of the review process. In particular, evidence of this can be found in the documents issued during the public consultation period (June-July 2010), the report to Cabinet on the outcomes of consultation (September 2010) and in the statutory notices and proposals (October-November 2010).
4. The objections to the closure of Sacred Heart RC Primary School have a number of common themes. Although these concerns have been raised and answered during earlier stages of the review process, they continue to be repeated by objectors. For this reason, it is appropriate to respond again to some of the principal concerns.

4.1 “The consultation process is fundamentally flawed”.

The Council has consulted extensively during the review process, which has had a number of stages going back to February 2009. Two rounds of consultation meetings have been held, at the “informal” and the “formal” stages of the review, with parents, staff and governors. The Council is confident that its consultation processes not only meet the standards required in the statutory guidance including consultation with all statutory consultees, but considerably exceed these.

4.2 “Failure to take sufficient account of the school's rural status”.

Sacred Heart RC is classified by the Secretary of State as a “rural school”. The Council must consider additional factors when considering a closure proposal and be confident about the strength of the arguments supporting the closure. The factors to be considered include alternatives to closure, transport implications and community impact.

The Council does not consider that there are alternative options to closure that would result in a sustainable primary school in this location. Children attend this school from a very wide geographical area and the impact of closure on transport will not be clear until parents have made their preferences known. There are public bus routes serving these areas, and those living further than the statutory walking distance will receive support.

In terms of community impact, it is clear that the school is an important part of the Parish community. It is also the case that the pre-school provision is valued by local families. Although the school may close, its buildings are adjacent to the church and owned by the Diocese. It will still be possible for community and parish needs to be met from this location.

4.3 “There are insufficient places for displaced pupils”.

There is sufficient capacity in the local community primary school (Burnopfield) and the Council has proposed that the number of places at St Mary’s RC Primary School in Whickham could be increased on a temporary basis (subject to consultation with the Diocese) to accommodate displaced pupils seeking a Catholic Primary School. There are also some places available in the nearest RC primary school in Co. Durham (St Patrick’s, Dipton).

4.4 “Failure to consider educational standards”.

The Council has not argued for closure on grounds of the standards achieved in Sacred Heart School. However, the Council’s strategic approach to school reviews has always been to focus on protecting and raising educational standards by ensuring efficient use of resources and ensuring all young people have access to high-performing schools.

In 2007, Ofsted judged Sacred Heart to be “Satisfactory”. Potential receiving schools for displaced pupils include St Mary’s RC (“Outstanding” -2008), St Patrick’s RC (“Good” – 2007) and Burnopfield (“Good with Outstanding features” – 2010). The Gateshead community primary school serving this area is Clover Hill (“Outstanding” -2007). Clearly, there are opportunities for children in this area of Gateshead/County Durham to attend good and outstanding RC/community primary schools, following the closure of Sacred Heart.

4.5 “Failure to consider impact on the balance of denominational provision”.

The Council has recently confirmed the closure of a neighbouring community primary school (Marley Hill) with the removal of 120 places. The closure of Sacred Heart would remove 105 places. In numerical terms, the balance of provision is broadly maintained. In terms of meeting the need for RC provision in the area, the number of children baptised into the Catholic faith in this parish is very small and the majority of children attending Sacred Heart are not baptised Catholics. Alternative RC provision is available within reasonable travelling distances.

4.6 “Failure to consider alternatives to closure”.

The Council has considered alternatives to closure, although this solution has not featured significantly in the consultation feedback. The majority view has been to maintain the existing school. The Council does not consider that there are alternative options to closure that would result in a sustainable primary school in this location.

A key factor in sustainability relates to the high costs of maintaining small schools, their impact on the resources available to all schools within the borough and the need to use resources efficiently to maintain and improve standards. Efficiencies cannot be achieved if the Council continues to maintain all its small schools on their current sites. The analysis of current and future numbers in this area of Gateshead indicates a clear need to reduce the number of schools.

Consultation

5. The Council has met the statutory requirement to allow six weeks from the publication of its proposals for representations to be made. Cabinet members and ward councillors have been consulted throughout the review process.

Alternative Options

6. As Decision Maker, the Council can make the following decisions:
 - to approve the proposals
 - to approve the proposals with a modification
 - to approve the proposals subject to a condition
 - to reject the proposals

Implications of Recommended Option

7. **Financial Implications** - the Strategic Director Finance and ICT confirms the following financial implications arising from this report. If it is confirmed that schools should close, the revenue savings arising from this will be redistributed to all schools through the funding formula. There are capital implications arising from the closure of Hookergate School which will be considered as part of the capital programme.
8. **Risk Management Implications** - there is a growing risk to educational standards and to the efficient use of resources if these proposals are not determined.
9. **Human Resources Implications** - there are Human Resources implications arising from this report. The Council has a duty to try to secure alternative employment for its employees displaced as a result of school closure. The governing bodies of voluntary aided schools have a similar duty to their employees. The Council will expect all school governing bodies (community and voluntary aided schools) to co-operate fully with any necessary redeployment procedures, and give priority consideration to existing employees at risk of redundancy when filling vacancies. Trade unions will be consulted and involved in the redeployment procedures.
10. **Equality and Diversity Implications** - equality and diversity issues have been considered during the review, particularly in giving due consideration to the impact of proposals for children with disabilities or special educational needs. The Council must also take account of the impact of these proposals on community cohesion (including Marley Hill and Sacred Heart which are designated as Rural Schools) and equality of opportunity (in respect of the balance of denominational provision, given that two RC schools are proposed for closure). An Equality Impact Assessment on these proposals has been completed.
11. **Crime and Disorder Implications** – nil

12. **Health Implications** – maintaining good quality schools with the facilities for indoor PE and outdoor games promotes improved health outcomes for children.
13. **Sustainability Implications** - the proposals are aimed at reducing surplus capacity, which represents a waste of resources. The Council has a duty to consider sustainable travel to school arrangements as part of its review process and proposals.
14. **Human Rights Implications** - the Council has considered the implications of the Human Rights Act in arriving at these proposals, particularly in respect of the impact on the RC community. Whilst there is a clear right for parents to ensure education and teaching in conformity with their religious convictions, this does not translate into a duty on the local authority to provide specific types of schools. Any such provision is provided “only so far as it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure”.
15. **Area and Ward Implications** - there are implications in this report for schools in Whickham North, Whickham South & Sunnyside, Dunston Hill & Whickham East, Felling, Birtley and Lamesley Wards.

Background Information

Secondary Review report to Cabinet, 15 September 2010

Primary Review report to Cabinet, 15 September 2010

Primary Review report to Cabinet, 25 May 2010

Primary Review report to Cabinet, 9 February 2010

Primary Review report to Cabinet, 15 September 2009

Primary Review report to Cabinet, 10 February 2009

Notes of meetings and written responses received during consultation

Statutory Guidance for Local Authorities on closing maintained schools.