

BATH AND NORTH EAST SOMERSET

CABINET

Thursday, 14th July, 2011

The decisions contained within these minutes may not be implemented until the expiry of the 5 working day call-in period which will run from 18th to 22nd Jul. These minutes are draft until confirmed as a correct record at the next meeting.

Present:

Councillor Paul Crossley
Councillor Nathan Hartley

Councillor David Bellotti
Councillor Simon Allen
Councillor Tim Ball
Councillor Cherry Beath
Councillor David Dixon
Councillor Roger Symonds

Leader of the Council
Deputy Leader of the Council and Cabinet Member for Early Years, Children and Youth
Cabinet Member for Community Resources
Cabinet Member for Wellbeing
Cabinet Member for Homes and Planning
Cabinet Member for Sustainable Development
Cabinet Member for Neighbourhoods
Cabinet Member for Transport

23 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.
The Chair welcomed everyone to the meeting.

24 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the Agenda.

25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

26 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

28 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were none.

29 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

The list of registered speakers [*a copy of which is attached to these minutes as Appendix 1 and is available on the Council's website*] was distributed in the public gallery in advance of the meeting.

Brian Higgins (Governor, Culverhay School) made a statement [*a copy of which is attached to these minutes as Appendix 2 and is available on the Council's website*] in which he emphasised the need to keep the school open for its local community. He referred to the independent analysis which had been conducted recently which supported the need for Culverhay to convert to co-educational status.

Richard Thompson (Head Teacher, Culverhay School) made a statement [*a copy of which is attached to these minutes as Appendix 3 and is available on the Council's website*] in which he appealed to Cabinet to listen to the voice of the local community and to allow Culverhay School the opportunity to transform itself into a successful co-educational school.

Bob Wilkins made a statement [*a copy of which is attached to these minutes as Appendix 4 and is available on the Council's website*] reminding Cabinet that Culverhay School had been seeking co-educational status for a number of years but had been prevented from doing so by the LEA. He asked the Cabinet to assist in a consultation with local people to determine whether Academy status, Free School status or some other option should be pursued in order to keep the school open on a co-educational basis.

30 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none

31 CONSIDERATION OF MATTERS REFERRED BY OVERVIEW AND SCRUTINY BODIES

The Chair announced that the Council meeting considering the Call-in of the Culverhay School Closure Notice had upheld the Call-in and had referred the decision back to Cabinet to reconsider the decision.

32 DETERMINATION OF THE STATUTORY NOTICE TO CLOSE CULVERHAY SCHOOL

The Chair referred to the document which had been placed in the public gallery prior to the meeting, which related to the recommendations made by the Council meeting held earlier in the day to consider the Call-in of the decision taken on 23rd February to Determine the Notice to Close Culverhay School. He observed that Council had asked Cabinet to reconsider the original decision, in the light of the representations made at the Call-in meetings. He asked Cabinet members to confirm that they had read the representations from Council.

Councillor Tony Clarke made an *ad hoc* statement in which he emphasised that there were still issues arising out of the failure so far to address the excess school spaces.

Councillor Steve Hedges made an *ad hoc* statement reminding Cabinet that Culverhay School had been asking for a number of years to be allowed to become co-educational. It was unfortunate that the consultation process in the last year had been badly handled and appealed to the Cabinet to make the right decision.

Councillor Dine Romero made an *ad hoc* statement reminding the Cabinet that a majority of Council members felt strongly that closure had been a bad decision, which is why she had organised Call-ins at every stage of the process. She looked forward to allowing Culverhay an opportunity to prove itself.

Councillor Gerry Curran made an *ad hoc* statement appealing to Cabinet to revoke the previous decision and instead to support Culverhay School in its aims to move forward.

Sarah Moore made an *ad hoc* statement reminding Cabinet that the community had fought for 20 years to have a co-educational school at Culverhay. The community had proved its determination during the events of the last year and she hoped that Cabinet had been convinced by their arguments.

Councillor Nathan Hartley thanked the Council for the decision it had taken earlier that day to uphold the Call-in. He explained the history of the process so far and said that the part played by the community had been pivotal. He felt that the Cabinet had an opportunity to recognise the strength of community feeling and to deliver the right decision.

He felt that since February (when the original decision was made), two significant events had occurred: there had been a change of policy by the incoming Cabinet; and new funds had been identified to support the school in its aspiration to become co-educational.

He therefore moved the resolution below.

Councillor Paul Crossley seconded the motion. He thanked education officers who had worked so hard to find a way of enabling the Cabinet's new policy position. He expressed warm thanks to those in the local community, friends of Culverhay, staff and Governors all of whom had joined together to make the community's strength of feeling evident. Councillor Crossley made particular mention of the Head Boy of Culverhay School, James Eynon, who had spoken so clearly and convincingly in favour of the school.

On a motion from Councillor Nathan Hartley, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) That it wishes to REVERSE the earlier decision and to decide instead **not** to close Culverhay School;

(2) To INSTRUCT the Strategic Director, Children's Services, to instigate the statutory revocation procedure and to report back to a future Cabinet meeting on any representations received in respect thereof

33 CULVERHAY: NEXT STEPS

Councillor Nathan Hartley introduced the item by responding to criticism of the new plans being considered by Cabinet. He said that the previous decision had been predicated on 1500 empty school places, when in fact 750 of these were filled by children from outside the authority. He said that the remaining empty places provided parental choice, which was a good thing. He reminded the Cabinet that the school's vision was for a co-educational school – which it had been prevented from pursuing for 15 years – and for the provision of education up to 19 years old, plus vocational and educational courses, all of which would allow the school to move confidently towards becoming viable again after the damage done by the threat of closure. He said that the move to co-education would be funded by the Council to

the amount of £300K, and the essential staff restructuring would be funded up to £400K. He pointed out that it had been very unwise for the previous administration to promise the capital proceeds of the sale of Culverhay to other schools in advance of closure. He also observed that Culverhay had the highest number of walkers and cyclists to school in the whole authority and this would now be encouraged even more if the school stayed open to serve its community.

Councillor Hartley reminded the Cabinet that whatever option they chose for Culverhay's future, it must meet the four priorities:

- To ensure excellent educational provision for all children in the area;
- To allow girls to attend the school;
- To address the deficit which the school acknowledges will be a challenge;
- To encourage the school to collaborate with other schools to enhance educational standards.

He announced that this year's admissions booklet, which was unable to offer the co-educational option for Culverhay, would contain a promise to parents that, should Culverhay achieve co-educational status in time, then all parents would receive a letter offering them an opportunity to reconsider whether they wished to change their option.

He moved the resolution below and said that if Cabinet agreed, then it would allow Culverhay School to make a fresh start and to prove itself to parents, students, sponsors and the whole community.

Councillor Paul Crossley seconded the proposal. He was confident that parents, school and LEA could work together to deliver the co-educational Academy bid to government.

On a motion from Councillor Nathan Hartley, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

- (1) To AGREE that its preferred option for Culverhay School would be for the school to become co-educational, either as an Academy or as a Free School;
- (2) To INSTRUCT officers to work with the school's Governing Body to deliver the preferred option at the earliest opportunity.

The meeting ended at 10.40 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

CABINET MEETING 14th July 2011

The following Statements and Questions had been registered by the time of publication.

REGISTERED SPEAKERS

There were 3 notices of intention to make a statement at the meeting. Where the intention is to speak about an item on the Agenda, the speaker will be offered the option to speak near the beginning of the meeting or just before the Agenda item.

- Brian Higgins, Governor, Culverhay School
Re: Culverhay School
- Richard Thompson, Head of Culverhay School
Re: Culverhay School
- Bob Wilkins
Re: Culverhay School

QUESTIONS AND ANSWERS

There were none

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Submission by Sqn.Ldr. (Retd) Brian Higgins MBE to the Cabinet – 14 July 2011

As the Vice Chair of Governors and Chair of the Personnel and Finance sub committee of Culverhay School I would like to thank you for giving me the opportunity to speak this late.

Up until the initial consultation process began, the Governors had come to the conclusion that, in order for Culverhay to progress to become outstanding, a transformation was needed to attract boys to our school – this view was actually shared by Councillor Watt. We investigated the Academy route and, even though some Governors were concerned with this concept as it was a new concept, we unanimously agreed that this was the way forward and made a bid for this to happen. With the closure threat this was not feasible.

With this Council's determination to reverse the decision to close our school we have again reviewed our position and are even more firmly convinced that this is the only logical and practical way forward. This is also based on a financial review by a consultant brought in by the LA and the views of the National Challenge "Super Head", Dr. Fish, who has been supporting and guiding the school for the past 18 months. His view, which is recorded, says that we should grasp this opportunity with both hands and that, in his opinion, we will be successful. This by a Head Teacher who has taken a school very similar to Culverhay and turned it into an outstanding school. He also states clearly that our school has come on leaps and bounds in the past 18 months and that we are on the right path to success.

I should point out that the LA finance officer and the consultant have both recognized that our potential deficit is not of our making and that our finances to date have been of the highest standard – the threatened closure has had a dramatic effect on student entrants at year 7. We already have a well developed plan to address this impact and we will continue to deliver a high quality, distinctive offer, which will be delivered in partnership with sponsors and educational partners to ensure the children in the school now and in the future, girls as well as boys, have the widest range of educational opportunities.

So, I ask you tonight, to give us the chance to transform Culverhay to not only meet the needs of our local community but to give us that chance for which we have always been denied – a Coeducational school. We see that children from all over Bath and from outside of Bath will want to come to our school as we will make it unique and desirable in order to give children the chance for a wide based academic and vocational education.

I implore you to do your utmost to meet the demands of the parents and community to let us take girls in 2012 – it is our earnest wish as Governors to progress to a sponsored coeducational academy.

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Statement from Richard Thomson

'I am proud and privileged to be the Headteacher of Culverhay School. In the 22 months I have been in post, I have come to recognise the importance of the school to its local community and what is at stake, if the school should be lost to that community forever.

I believe that the Councillors have an opportunity tonight to make a decision which will have profoundly beneficial consequences for not only the communities closest to Culverhay, but for the city as a whole.

I am delighted to report that at a meeting on Monday 11th July, the Governing Body of Culverhay School voted to seek the authorisation of the Secretary of State for Education to become a sponsored academy. This was a restatement of the position we adopted in June 2010, when we mandated the Chair of Governors to approach a local sponsor on our behalf, to seek their support in transforming the standards of the school. Sadly, this opportunity for transformation was then lost, because of the subsequent decision to close the school, but the Governors remain absolutely committed to the objective of transforming Culverhay into the outstanding co-educational school we know it can become, with the right support and investment.

I therefore urge Councillors to seize the chance to leave a wonderful legacy for the local community and the city as a whole. We have a range of potential sponsors lined up, all keen to work with the school to effect a profound transformation. These sponsors all have a powerful track record of driving up standards and improving the life chances of children. We have many loyal and committed partners supporting the school, detailed in our counter proposals to the closure consultation, all ready to help shape the future direction of the school, as it progresses towards securing co-educational status as an academy. I believe we have a real window here, where the right investment and support can create a vibrant, sustainable, high performing and very distinctive school, serving its community and the wider educational community of Bath with distinction. This school will remain committed to the principle of building cohesion and remaining closely accountable to its community, as well as offering real choice and diversity to the parents of Bath. We also remain committed to working in partnership with other local primary and secondary schools and the Local Authority, to secure the best outcomes for all of our children.

I urge the Council to be visionary and grasp this opportunity. Please support the call in motion and recommend to the Cabinet that it overturn the proposed closure of a school, which is at the heart of its community.'

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Bob Wilkins

Comments to Cabinet Meeting 14th July 2011

Culverhay School Proposed Repeal of Closure

I support the long awaited objective of providing a co educational school at the Culverhay Site.

The wrong school, Culverhay, had been identified for closure as a result of a flawed Consultation process.

The process set objectives to reduce the number of spare school places, provide local schools, improve choice for Bath pupils and parents, and maintain high educational standards. Information on school numbers and number of Bath based pupils was supplied.

No specific school educational issue was identified as a key objective until the first choice for reorganisation, two schools north of the river being chosen to close/merge, was overtaken by events. These events being fast track Academy status being available for Oldfield and a Federation arrangement for St Mark's and St Gregory's. The decision to have a single school north of the river, and a school north of the river to close had to be abandoned.

The consultation data supplied showed that Oldfield and St Marks, both north of the river, were relatively unpopular schools with Bath based pupils and parents. Oldfield having a large number of pupils from out of Bath.

At the first round of consultation meetings Mr Parker had commented that only one school was needed north of the river because the majority of potential pupils lived south of the river, two thirds to one third approximately. Slides of catchment areas were shown at the meetings but comments on each slide were related to the problem of shutting one school north of the river.

The Council reviewed the changed status of the two schools and only had one school left to close, Culverhay, and chose it despite all the objectives set at the start. Neither Oldfield nor St Marks could be closed if Oldfield received Academy status and the Diocese refuses to close St Marks.

The then second choice was to close Culverhay on the basis of educational standards, an issue which had never made before for any school.

The second round of consultations were held for Culverhay closure and slides used again. However the comments were then related to why Culverhay should be closed, this time educational issues were highlighted which had never ever been mentioned as issues in any previous Council considerations. Even the travel arrangements as to how easy it was for southwest Bath pupils to go to Oldfield were highlighted. Again never previously highlighted in previous consultations. At this meeting no mention was made of the higher number of pupils living south of the river and only one school needed north of the river.

To sum up:- A primary objective of the reorganisation was ' to provide local co educational schools to all parents and pupils'. Culverhay's retention meets this objective for a the third of the population of Bath in the south west.

It should also be noted that the federation schools having their Sixth Form Centre at the St Marks site would achieve the other objective of a reduction in surplus places. Much less costly than the current proposals and prevents an incursion into the Green Belt

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Summary Statement

Outcome of Call in of Cabinet decision E2233 “Determination of the Statutory Notice to close Culverhay School”

As agreed at Council on 14th July 2011
(after referral from the Children and Young People’s Overview and Scrutiny Panel)

This statement supplements the minutes of the Council’s public meeting (to follow), in order to provide an interim summary of the outcome.

Council **RESOLVED: to uphold the Call in request by 36 to 0 (26 abstentions)**

(“uphold” means that decision E2233 “Determination of the Statutory Notice to close Culverhay School” is referred back to the Cabinet for reconsideration).

Reasons

The following reasons to uphold the decision were given -

- a) The clear wish of the community for a co-educational school at Culverhay shown by the results of the various consultations on the future of Culverhay;
- b) The results of the parent survey, which showed that a co-educational school would attract significantly more pupils;
- c) The change in the legislative framework at a national level, which is already having an impact on local education;
- d) The change in the Council Administration since the decision was made and the resulting change in policy, including the new Administration’s willingness to make funding available for the co-educational transition to take place.

Further information:

In addition to this summary report, detailed evidence and submissions provided to the Council are available as a full record of the Call-in:

- Agenda and reports of the Council meeting on 14th July 2011,
- Agenda, reports and minutes of Children and Young People’s Overview and Scrutiny Panel’s call-in meeting (21st March 2011) – including the original decision papers and the call-in request.

Copies of these items are available now in the “Council and Democracy” section of www.bathnes.gov.uk

- Public statements submitted in writing and/or spoken to at the Council meeting, and
- Full minutes of the Council’s meeting

Copies of these items will be available in due course, either at www.bathnes.gov.uk or by contacting Democratic Services, democratic_services@bathnes.gov.uk, tel: 01225 394358

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