

BATH AND NORTH EAST SOMERSET

CABINET

Wednesday, 18th August, 2010

The decisions contained within these minutes are not subject to Call-in and will be implemented immediately. These minutes are draft until confirmed as a correct record at the next meeting

Present:

Councillor Francine Haeberling	Leader of the Council
Councillor Malcolm Hanney	Deputy Leader and Cabinet Member for Resources
Councillor Terry Gazzard	Cabinet Member for Development and Major Projects
Councillor Charles Gerrish	Cabinet Member for Service Delivery
Councillor David Hawkins	Cabinet Member for The Council as Corporate Trustee
Councillor Vic Pritchard	Cabinet Member for Adult Social Services and Housing
Councillor Chris Watt	Cabinet Member for Children's Services

102 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Francine Haeberling, Leader of the Council.

The Chair welcomed everyone to the meeting.

103 EMERGENCY EVACUATION PROCEDURE

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

104 APOLOGIES FOR ABSENCE

There were no apologies for absence.

105 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

106 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair announced that under item 8 (Consideration of Matters Referred to Cabinet by O&S Bodies), the Cabinet would reconsider its previous decision relating to Bath Secondary Schools Review, which had been Called-in. She also drew attention to Appendix 4 of the Report, which had been tabled as a late paper and copies of which had been made available on the web and in the public gallery before the meeting.

107 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were no questions.

108 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

There were 20 statements from members of the public and Councillors, all relating to item 8 on the Agenda. *[The list of speakers is attached to these Minutes as Appendix 1.]*

109 CONSIDERATION OF MATTERS REFERRED BY OVERVIEW AND SCRUTINY BODIES

The Chair welcomed Councillor Sally Davis, Chair of the Children and Young People Overview and Scrutiny Panel and invited her to address Cabinet. Councillor Davis explained that the Panel had looked at the relevant documentation laid before them and had decided to refer the Called-in decision to Cabinet for their reconsideration. The Panel was particularly keen to ensure that the local community had every opportunity to be involved in the decision. She asked the Cabinet when considering the issue to take into account all the points raised.

The Chair then invited the registered speakers to make their statements.

Councillor Ian Gilchrist made a statement in which he pointed out that in his view the original decision made by the Cabinet did not fit in with the Council's Corporate Priorities, nor with the Sustainable Community Strategy; and he asked the Cabinet to overturn their original decision to consult on closure of Culverhay School.

Councillor Paul Crossley made a statement in which he asked the Cabinet to overturn their original decision to consult on closure of Culverhay School. He pointed out that the situation had changed with the loss of the Building Schools for the Future funding. He referred to the expected increase in population expected by 2025, which would require extra school places. He felt that since the original consultation had not indicated the closure of Culverhay as one of the options, it would be profoundly wrong to pursue this option now; and reminded the Cabinet of the deprivation in the community which he felt would be made worse by closure of Culverhay School.

Councillor David Speirs made a statement on behalf of the Labour Group in which he recognised the difficult decisions faced by Cabinet following the loss of the Building Schools for the Future funding; but he appealed to Cabinet to reverse its original decision and instead to decide to monitor the intake at Culverhay over a period of years. He emphasised that any future consultation must be genuine and must include as options all those things being considered.

Councillor Nathan Hartley made a statement in which he observed that the situations regarding Academy status for Oldfield School and Federation status for St Mark's and St Gregory's were still very uncertain. He appealed to Cabinet not to make any radical changes until all uncertainties had been removed. He felt that the Cabinet should move towards making both Culverhay and Oldfield Schools coeducational.

Councillor Gabriel Batt expressed his view that the proposed move to Federation by St Mark's and St Gregory's was a bold move. He said that the decision about the closure of a school could not be postponed and appealed to Cabinet to confirm its original decision.

Councillor Malcolm Lees pointed out the large number of submissions from parents in the Weston and Newbridge areas who wanted Oldfield School to become coeducational. He felt that parents and children should not suffer because of the

actions of the school's senior management not to engage in the original consultation. He appealed to the Cabinet to move ahead with the plans laid out in the original decision.

Councillor Colin Barrett made a statement referring to the previous review which had been in 1969. He explained that he had been schooled at Bath technical College, the precursor of Culverhay School, but said that the issue of 800 empty places in Bath must be addressed. He was aware that only 35 boys would be joining Culverhay in the new term which did not suggest that the community was supporting the school. He supported the Cabinet's original decision.

Councillor David Dixon made a statement appealing to Cabinet to restart the whole process because the original consultation document had not included the possibility of the closure of Culverhay. He felt strongly that both Culverhay School and Oldfield School should become coeducational.

Councillor Anthony Clarke made a statement supporting the existing plan because the cost per pupil at Culverhay School was greater than at other schools and the opponents of closure had not come up with any alternative options.

Councillor Bryan Chalker said that St Mark's was valued by its community and the Federation would encourage more parents to choose it. He supported the existing decision.

Councillor Caroline Roberts made a statement supporting a move to coeducational status for both Culverhay and Oldfield Schools. However she acknowledged that the situation regarding the Oldfield application for Academy status was still unclear. She appealed to Cabinet to reconsider its original decision.

Sarah Moore (Friends of Culverhay) observed that Oldfield School had no canteen – so no free school meals could be provided. Her son, who had special needs, would not thrive in a larger school. She appealed to the Cabinet not to close Culverhay.

Sarah Wall (Parent, Culverhay School) made a statement [*attached to these minutes as Appendix 2*] in which she said that she believed the Culverhay community had been misled by the previous decision which had been based on consultation which had not included all the options. She felt that the Cabinet must agree not to close Culverhay.

Ann Harding made a statement referring to the deprivation in the Culverhay catchment area; the innovative nature of the school; the creditable "value added" performance of the school; and the improvement in the school's examination success in the last 4 years. She appealed to Cabinet not to close Culverhay.

Jayne Nix (Parent, Culverhay School) made a statement [*attached to these minutes as Appendix 3*] in which she emphasised that the consultation had not included the closure of Culverhay School as an option. Don Foster, MP for Bath, had expressed his surprise at the original decision. Many parents had said that if Culverhay School were coeducational, they would send their daughters there. She urged the Cabinet to recognise that greater travel distances would disadvantage the poorest families and asked them not to close Culverhay.

Paul Matthews (Parent, Culverhay School and a former pupil) made a statement congratulating Culverhay staff for being so approachable. He was unconvinced that the proposed "hard" Federation between St Mark's and St Gregory's would actually happen. He asked whether the Council would provide free transport for those children displaced from Culverhay.

Annette Scogging (Parent, Culverhay School) said that in her view the Cabinet was making a number of assumptions about matters outside of its control but was determined still to close Culverhay School. She appealed to Cabinet to retain Culverhay and convert it to coeducational. She felt that the original consultation had not been valid because it had not suggested closure of Culverhay as an option being considered.

James Binns (parent of 2 boys) asked Cabinet to do all in its power to oblige Oldfield School to become coeducational. He felt that this would solve the problem of under-use. He asked the Cabinet to stick to its previous decision.

Councillor Gerry Curran (Chair of Governors, Culverhay School) asked Cabinet to delay making the decision until there was clarity about the Oldfield Academy application and the St Mark's/St Gregory's Federation plans. He felt strongly that the original consultation had been flawed because the possibility of closing Culverhay School had not been an option consulted on. He was surprised that Cabinet had made a decision based on the proposed plans of other schools, which might not come to fruition.

Richard Thompson (Head, Culverhay School) reminded Cabinet that Culverhay School offered an outstanding range of extra-curricular activities, including international education; that parents believed the small school was a good thing for their children; that the faith school Federation was likely to be "soft" rather than "hard", which he felt would undermine the basis of the Cabinet's original decision; that the school was addressing issues of literacy and numeracy; and continued to work closely with Bath Spa University to provide facilities and opportunities for trainee teachers. He asked Cabinet to reconsider its earlier decision.

Councillor Chris Watt introduced the debate and responded to the issues raised by the Panel. He agreed that the consultation exercise had not been explicit about the closure of Culverhay School and said that was why the Cabinet had agreed to consult again on closure of the school. He assured the meeting that the consultation would be more robust than simply "consultation to close" – it would be full consultation, open to new proposals being suggested and would lead to a decision some time after November.

Councillor Watt stated that there was not in fact any uncertainty over the Federation of St. Mark's and St Gregory's – the Diocese of Clifton had confirmed its support for a soft Federation with a shared VI Form.

He responded to the Panel's points about the cost of closure by saying that although the redundancy costs might reach £450k (if half the staff were redeployed elsewhere), the cost of not closing would continue at £500k per annum based on the extra subsidy cost of educating children at Culverhay School rather than at another school. So in a single year, the cost of closure would be met.

He emphasised that the decision was not about selling the most valuable site – the values of Oldfield School site and Culverhay School site were about the same. But it was in any case too early to talk about possible uses for the site, since the decision had been to consult on closure – not to close. The council's policy was that every £1 raised must be redistributed to improve schools in the area and the Council would not get any financial benefit from the sale of either site.

Councillor Malcolm Hanney observed that the Council had been paying for empty desks to be maintained in many of its schools and must move to correct that situation so that every penny spent was spent on the education of children, not on empty desks. He had noticed that not one of the 20 speakers had suggested an alternative option to the Cabinet proposals. He was concerned that if the Cabinet did not show resolve, the Minister would consider that the Oldfield application for single-sex Academy status should be allowed. He asked Councillor Watt why the proposal had not been to consult on the closure of both Oldfield School and Culverhay School. He also asked for the figures showing the number of local boys choosing to go to Culverhay.

Councillor Watt responded to Councillor Hanney's question by saying that in the most recent intake, only 33% of those for whom Culverhay was closest had actually chosen it. He also observed that the recent exercise had identified significant demand for coeducational provision north of the river, especially in Newbridge and Weston. The transport implications of closing Oldfield would be greater than those of closing Culverhay.

Councillor Vic Pritchard asked whether this would be the last opportunity for the authority to review secondary places in the city.

Councillor Watt explained that it did seem that all schools except Ralph Allen had now expressed an interest in becoming independent of the authority, so this would indeed be the last opportunity to resolve this problem. If the Cabinet decided not to proceed, events would overtake the Council and it would be left with no future say in the matter. Culverhay would have to stay as a boys' school and would slowly diminish in size; the expressed parental desire for more coeducational places in the city would never be delivered.

Councillor Charles Gerrish asked for an explanation of the remark about the lack of free school meals provision at Oldfield School and the ability of the other schools to absorb the increased number of children with special educational needs.

Councillor Watt assured the Cabinet that although Oldfield School had no production kitchen, it did have hot meals brought in and could cater for special dietary needs and free school meals provision. He also gave an assurance that special educational needs were well catered for in all schools and in this respect Culverhay was not different from other schools. Academies are required to make SEN provision in exactly the same way as other schools.

Councillor Malcolm Hanney asked how the formula for small school support was set.

Councillor Watt said that this was agreed by the Schools Forum – not by the authority – and that there was no guarantee that the forum would continue to agree to any small school weighting, although he did anticipate it continuing to agree to a weighting in favour of disadvantaged children. He believed that the Cabinet must

make a judgement about 3 fundamental issues: the implication of doing nothing; the question of what had changed since the original decision; and the issue of whether the original consultation was flawed. He felt strongly that the implication of doing nothing would be that the Council would lose its last opportunity to review school places in the city; agreed that the original consultation had not been clear enough about the possibility that Culverhay might be selected for closure, and that was why the Cabinet were being asked to agree to a new consultation, and were not moving immediately to close Culverhay School; and he explained that in his view what was new was the Federation of St Mark's and St Gregory's which he believed warranted the Council's support. The application of Oldfield School for Academy status was also new. Those two new situations had changed things enough to mean that the Cabinet should now agree to consult (amongst other things) on the closure of Culverhay. He believed that the Cabinet had considered all the available evidence brought to it by the consultation process and by the subsequent Call-in process. He emphasised his determination to move to closure of Oldfield School if no confirmation had been received by 17th September that it had applied for coeducational Academy status. He recommended to Cabinet that they confirm their original decision made on 21st July.

Councillor Terry Gazzard seconded the proposal and emphasised that all the submissions had been considered by the Cabinet.

Councillor Francine Haeberling asked what process would ensue if further proposals arose out of the new consultation.

Councillor Watt said that the new consultation process would begin by the end of September, with full documentation, public meetings and ample opportunity for public response. It would be open to alternative proposals.

Rationale

Having considered all the submissions, from the Overview and Scrutiny Panel, public, Councillors, school governing bodies and staff, the Cabinet observed that no new or additional information had been received which would lead them to overturn the original decision.

Other options considered

The Cabinet could have decided to amend or overturn their original decision. The available options were fully explored in the reports and in the debate at the meeting.

On a proposal from Councillor Chris Watt, seconded by Councillor Terry Gazzard, it was

RESOLVED (unanimously)

To CONFIRM the original decision, taken by Cabinet on 21-Jul-10, which was:

(1) To SUPPORT the proposed federation of St Mark's C of E school on its current site with St Gregory's Catholic College, with joint Post 16 provision for both schools. Invite the two schools to proceed with this hard federation so that it is in place for 1 September 2011;

(2) To SUPPORT Oldfield school in seeking to become a coeducational academy and obtain written confirmation from the Head and the Governing Body by Friday 17

September 2010 that coeducational status has been included in the school's Application to Convert to an Academy sent to the Secretary of State, with the intention that it will become a coeducational academy by 1 September 2012;

(3) That if written confirmation that co-educational status has been included in Oldfield school's Application to convert to an Academy by Wednesday 1 September 2012 is not received by Friday 17 September 2010 the LA to commence a competition to invite proposers to submit bids for a new 160 place co-educational 11-18 school on the existing Oldfield school site and to propose the closure of Oldfield school and the opening of a new co-educational school on 1 September 2012;

(4) To CONSULT on the proposal to close Culverhay school.

The meeting ended at 7.30 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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CABINET MEETING 18th August 2010

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

REGISTERED SPEAKERS

Re: Reconsideration of Bath Schools Review (Agenda Item 8)

- Cllr Ian Gilchrist
- Cllr Paul Crossley
- Cllr David Speirs
- Cllr Nathan Hartley
- Cllr Gabriel Batt
- Cllr Malcolm Lees
- Cllr Colin Barrett
- Cllr David Dixon
- Cllr Anthony Clarke
- Cllr Bryan Chalker
- Cllr Caroline Roberts
- Sarah Moore, Friends of Culverhay
- Sarah Wall, Parent, Culverhay School
- Ann Harding
- Jayne Nix, Parent, Culverhay School
- Paul Matthews, Parent, Culverhay School
- Annette Scogging, Parent, Culverhay School
- James Binns, parent of two boys
- Cllr Gerry Curran, Chair of Governors, Culverhay School
- Richard Thompson (Head of Culverhay School)

QUESTIONS AND ANSWERS - COUNCILLORS

There were none

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Statement to Cabinet 18-Aug-10

Sarah Wall

Four weeks ago I said that I felt that Culverhay & the community around it has been deceived and cheated by the consultation. Since then 27 councillors have agreed with me by signing the call in request. Last Tuesday the Overview & Scrutiny Panel members also agreed by upholding the call in.

This must tell the cabinet that there are grave concerns within this authority regarding their decision of 21st July.

Since last week I have done further research and now understand why the rest of the councillors feel this way and feel even more justified in the statement I made.

I have reviewed all the cabinet minutes & agendas since 14th May 2008. At the meeting in May 2008 the proposals & recommendations were clear. The council had been left with no alternative, as the governing bodies of St Marks & Oldfield had failed to work together to bring about a merger of the two schools then both school would be closed & one new co-educational school would be opened. Culverhay was to be closed and a new co-educational school was to be opened on the existing site. Many councillors & cabinet members spoke in support of these recommendations. Cllr Watt said the proposals were clear and that only one secondary school was required in the north of the city. Cllr Hanney reminded the meeting that substantial consultation had already been undertaken and that there had been two over view & scrutiny reviews which had fed into the proposals. Cllr Charles Gerrish agreed with Cllr Crossley that a co-educational school on the Culverhay site would serve the community well. There is no mention of secondary schools in the cabinet minutes then until 3rd March 2010 when in a 'single member cabinet decision' Chris Watt puts forward 'Variations of the 14th May 2008 cabinet decision regarding consultation on secondary school reorganisation proposals for Bath' but this still clearly places a new co-educational school on the Culverhay site. What has changed since Feb except the acceleration of the academy's bill & the announcement that the two faith schools wish to federate? But this is still a proposal only.

The city has not changed, the needs of its young people or its communities has not changed.

The research was thorough & decisive, the proposals & recommendations were precise, which is why the consultation wording was so clear.

The wording on page 15 of the consultation document is also very clear. It states that the cabinet has 3 options and the third one is to consider any new option(s) that may have emerged as a result of the consultation.

However, it is clear that what the cabinet approved on 21st July did not emerge from the consultation, what emerged from the consultation is that the people of this city want a co-educational school on the Culverhay site.

A lot of hard work and public money went into producing the secondary school review and until very recently the cabinet backed its proposals & recommendations wholehearted. Now suddenly they had done a complete u-turn. This is totally unacceptable when the majority of people who responded to the consultation agreed with the consultation's overall plan/strategy.

I just can't understand how they can justify their decision of 21st July.

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Jayne Nix

I would just like to say again how the consultation did not suggest that Culverhay would close and clearly states 'a school in the South and a school in the North. 'I have a copy of a letter from Don Foster saying 'I confess that I was surprised by the decision to recommend closing Culverhay since it was NOT included as an option in the consultation. I have a survey signed by 69 people who would send their daughters to Culverhay if given the chance and I am sure given more time we would be able to increased this number considerably.

At the Cabinet meeting we handed in a petition of 1900 signatures that had been collected. Was this looked at and taken into consideration as I feel it was just put to one side. A document was also submitted to the cabinet with comments and support for Culverhay was this looked at? You were quick enough to say about how many letters you received from Oldfield parents but not once did you acknowledge anything you received from Culverhay.

As I see it

Oldfield is built on green land Value to Banes 0

St Marks is on Church land Value to Banes 0

Culverhay Value to Banes £6-8m

Because the Building Schools for the Future fund no longer exists the only way you can get any money is by closing Culverhay.

As for you figures that only 10 pupils from Culverhay will be disadvantaged by the school closing maybe you should be taking into consideration their personal circumstance, not just if they would get their first choice of school and how far they need to travel. If you have no money it's irrelevant whether it's a 2 stop bus ride or a 20 stop ride. My son currently walks to

school which will not be an option if he has to move schools. This will have a financial impact on my family as I don't work. The figures should be based on each child's circumstances to give a true picture of who will be disadvantaged!

If St Marks stays open and federates why would people then decide to send their children there if they don't now? It's already a mixed school and what evidence do you have that this federation will increase numbers. I know of a school who federated as I was a governor there and it has now been given a 'notice of improvement' so federation does not guarantee a raise in standards.

Also where will the existing Culverhay boys go if you close the school? Tony Parker said temporary building could be put in place at Ralph Allen and Beechen Cliff to accommodate our boys. If these schools are already full surely extra pupils would have a significant effect on the Health and Safety of our children. Has this been taken into account? If a school is full how can it then suddenly have free space or is it your intention to relocate all our existing boys to St Marks as this is where the free desk places are?

I urge you to reconsider your decision and allow Culverhay to become co-ed and give this community the fairness they deserve how would you feel if your child's school was being treated like this!