

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Telephone: (01225) 477000 *main switchboard*
Direct Lines - Tel: 01225 394942 Fax: 01225 394439
Web-site - www.bathnes.gov.uk

Your ref:

Our ref: CRS

Date: 11 August 2010

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Cabinet

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Cabinet: Wednesday, 18th August, 2010

You are invited to attend a meeting of the **Cabinet**, to be held on **Wednesday, 18th August, 2010** at **5.00 pm** in the **Banqueting Room - Guildhall**.

The agenda is set out overleaf.

Yours sincerely

Col Spring
for Chief Executive

The decisions taken at this meeting of the Cabinet are subject to the Council's call-in procedures. Within 5 clear working days of publication of decisions, at least 10 Councillors may signify in writing to the Chief Executive their wish for a decision to be called-in for review. If a decision is not called-in, it will be implemented after the expiry of the 5 clear working day period.

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Col Spring who is available by telephoning Bath 01225 394942 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays, notice must normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward).

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Col Spring as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Col Spring as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

- 7. Officer Support to the Cabinet**
Cabinet meetings will be supported by the Director's Group.
- 8. Recorded votes**
A recorded vote will be taken on each item.

Cabinet - Wednesday, 18th August, 2010

in the Banqueting Room - Guildhall

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

To receive any declarations from Members/Officers of personal or prejudicial interests in respect of matters for consideration at this meeting. Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest;
- b) The nature of the interest;
- c) Whether the interest is personal, or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

At the time of publication, no items had been submitted

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

At the time of publication, no items had been submitted

8. CONSIDERATION OF MATTERS REFERRED BY OVERVIEW AND SCRUTINY BODIES (Pages 1 - 34)

This is a standing agenda item (Constitution rule 21, part 4D – Executive Procedure Rules) for matters referred by Overview and Scrutiny bodies. The Chair(person) of the relevant Overview and Scrutiny body will have the right to attend and at the discretion of the Leader to speak to the item, but not vote.

Councillor Sally Davis, Chair of the Children and Young People's Overview and Scrutiny Panel, will refer to the Cabinet a recommendation from the Panel relating to the Call-in of the Cabinet Decision on the Review of Secondary Schools in Bath.

The Committee Administrator for this meeting is Col Spring who can be contacted on 01225 394942.

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	18 August 2010	AGENDA ITEM NUMBER 8
TITLE:	A Review of Secondary Schools in Bath (reconsideration following call-in)	EXECUTIVE FORWARD PLAN REFERENCE: E 2097
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Cabinet Resolution taken by the full Cabinet on 21st July 2010 concerning the review of Secondary Schools in Bath</p> <p>Appendix 2 – Cabinet paper: ‘A Review of Secondary Schools in Bath’, 21 July 2010</p> <p>Appendix 3 – Children & Young People Overview & Scrutiny Panel paper: ‘Additional information responding to call-in of decision E2097’, 10 August 2010</p> <p>Appendix 4 – Further supporting information for Cabinet reconsideration of decision E2097, 18 August 2010 – to follow</p> <p>Appendix 5 - Summary Statement from the CYP O&S Panel meeting</p>		

1. THE ISSUE

- 1.1. On 21 July 2010 Cabinet made a decision in respect of the review of secondary schools in Bath (Appendix 1). This decision was the subject of a call-in by 27 Councillors. The Children and Young People Overview and Scrutiny Panel duly considered this call-in on 10 August 2010 and has referred the decision back to Cabinet for reconsideration.

2. RECOMMENDATION

2.1 The Cabinet is asked to:-

- (a) Consider the recommendation of the Overview and Scrutiny Panel following the call-in, along with further information produced in response to both the call-in and the Panel’s recommendation (set out below);

and

- (b) Confirm its original decision as it stands;

or

- (c) Amend the original decision, for example to include specific provisions in response to the issues raised.

3. BACKGROUND

3.1. The Cabinet resolved on 21 July 2010, as set out in Appendix 1, to:

- a) 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.
- b) Support Oldfield school in seeking to become a **co-educational** academy and obtain written confirmation from the Head and the Governing Body by Friday 17 September 2010 that co-educational 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 co-educational academy by 1 September 2012.
- c) If written confirmation that co-educational status has been included in the 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.
- d) Consult on the proposal to close Culverhay school.

3.2. The original Cabinet paper setting out the background, implications, consultation process and options is attached at Appendix 2.

3.3. The decision was subject to call-in by 27 Councillors and this call-in was considered by the Children & Young People's Overview and Scrutiny Panel on 10 August 2010. The original grounds for the call-in are included in Appendix 3, which also provides an initial response from Children's Service officers to each of the points raised.

3.4. The Overview and Scrutiny Panel meeting was attended by approximately 80 members of the public (some in an 'overflow' room following the proceedings by video link) as well as Councillors, officers and speakers. The panel received written statements from 40 people as well as hearing statements from the lead member for Children's services, the lead Councillor for the call-in and 12 individuals who had registered to speak.

3.5. The Panel was empowered to select one of three options:-

- a) To dismiss the call-in, in which case the decision would take effect immediately; or
- b) To refer the decision back to the decision-maker (the Cabinet) for reconsideration, setting out why it has decided that the decision should be reconsidered; or
- c) To refer the matter to Council to itself undertake the role of the Panel (NB the ultimate decision would still remain with the original decision-maker).

3.6. Although option c (referring the decision to full Council) was proposed (on the grounds that the decision was not sound and should be rejected), this option was rejected by the panel, who decided to refer the decision back to the Cabinet for reconsideration. The following reasons were given - concern that:

- The consultation had not been sufficiently clear about the proposals for Culverhay School
- The impact of changes in legislation was uncertain especially in relation to Academies and Oldfield School
- The Federation of St Gregory's Catholic School and St Mark's CofE School was at an early and uncertain stage
- The costs associated with the closure of Culverhay School and future options for the site needed greater clarification.

The Panel requested Cabinet to consider these matters in deciding the way forward.

3.7. Whilst much of the supporting information that the Cabinet might require is already contained in the original Cabinet paper, some further information is being collated to support the Cabinet in considering these issues (Appendix 4).

4. FINANCIAL IMPLICATIONS, CORPORATE PRIORITIES, RISK MANAGEMENT, EQUALITIES, CONSULTATION

4.1. These considerations are covered in the original Cabinet report.

5. ADVICE SOUGHT

5.1. The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Mike Bowden 01225 395610
Sponsoring Cabinet Member	Councillor Chris Watt
Background papers	Consultation document – ‘A Review of Secondary Schools in Bath’
Please contact the report author if you need to access this report in an alternative format	

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Cabinet Resolution

Executive Forward Plan Reference	E2097
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Review of Secondary Schools in Bath

Meeting Date	21 st July 2010
The Issue	<p>In March 2008 Council approved a strategy for the future of secondary schools in Bath & North East Somerset. In May 2008 Cabinet agreed to consult on proposed changes to some Bath schools specifically the closure of Culverhay (boys), Oldfield (girls) and St Mark's C of E schools and a linked proposal to open one new co educational school in the north of the city and one new co-educational school in the south of the city.</p> <p>A public consultation exercise on this proposal was undertaken between March and May 2010 and this report sets out the results of the consultation.</p>
The decision	<p>It was RESOLVED:</p> <p>(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;</p> <p>(2) To SUPPORT Oldfield school in seeking to become a co-educational academy and obtain written confirmation from the Head and the Governing Body by Friday 17 September 2010 that co-educational 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 co-educational academy by 1 September 2012;</p> <p>(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;</p> <p>(4) To CONSULT on the proposal to close Culverhay school.</p>
Rationale for decision	<p>There are 5,545 places available for pupils aged 11-16 in the seven secondary schools in Bath. However, only approximately 4,000 pupils living in Bath and the surrounding villages (including approximately 400 pupils from a much wider area attending St Gregory's Catholic College as their nearest Catholic secondary school) attend these schools. Despite an additional 800 pupils attending Bath secondary schools from outside Bath and North East Somerset, there remain around 750 unfilled school places in these seven schools. The majority of these unfilled places are in Culverhay school and St Mark's C of E school with a smaller but significant number at Oldfield school.</p> <p>Therefore, in order to ensure the effective use of resources, provide schools with sufficient pupils to maintain a broad and balanced</p>

curriculum with a range of options and to raise standards only six secondary schools are required.

The consultation responses have revealed strong support for the strategy to reduce the number of schools from seven to six.

In order to maintain choice and diversity and to meet parental preferences it is important to maintain both single sex and co-educational provision and church and non-church school places. Therefore it was proposed to retain one single sex boys school (Beechen Cliff) one single sex girls school (Hayesfield) a co-educational school (Ralph Allen) and a Catholic secondary school (St Gregory's Catholic College). This strategy was also well supported by the consultation responses (71%).

In order to maintain the balance of church school places and also to provide more co-educational places a further two schools need to be provided. Due to the difficulty and cost of obtaining land for a secondary school in an urban area such as Bath existing school sites need to be used.

It is proposed that these two schools should be:

1. An 11-18 Anglican Faith School on the St Mark's C of E school site. The key factors in reaching this conclusion are:

The Diocese of Bath and Wells already owns this land and there is already an 11-18 school on this site;

The hard federation proposed by St Mark's C of E school and St Gregory's Catholic College and supported by the Dioceses of Bath and Wells and Clifton has every potential to significantly raise standards at St Mark's C of E school and increase the number of pupils on roll;

There is strong support from the local community for a secondary school on the site;

The long and difficult journey for a significant number of pupils if there were no school in North East Bath (particularly from the Larkhall and Lambridge areas). The journeys to school and traffic across the city would be reduced if local children were to attend the school on this site.

2. An 11-18 co-educational school on the Oldfield school site. The key factors in reaching this conclusion are:

The current school with a 192 Planned Admission Number is able to provide sufficient co-educational places on the site;

Modifications to the buildings can be undertaken within a budget of approximately £1.5m to enable both boys and girls to attend the school;

Oldfield school is already on 'Outstanding' school (OFSTED 2007) and the Governing Body have expressed a desire for the school to become a co-educational school;

There is very strong demand from local parents for a co-educational school on the site, particularly from parents of primary age pupils;

A co-educational school on this site would reduce the journeys to school and traffic across the city if local children were to attend the school.

These decisions would however mean that a consultation on the proposal to close Culverhay school with no new school on the Culverhay site would need to be carried out. If the decision was made to close the school with no new school on the site, careful consideration would need to be given to the impact of this on pupils and staff at the school and on the local community. If Culverhay school was to close, the pupils from the area could be accommodated in the six remaining schools throughout the City.

	<p>Currently a large number of boys from the Culverhay school area attend Beechen Cliff and Ralph Allen schools. They would continue to be able to do so with boys also able to attend Oldfield school if it were to be a co-educational school.</p> <p>Currently all girls from the Culverhay school area gain places at Oldfield, Hayesfield and Ralph Allen schools. They would continue to be able to do so.</p> <p>Catholic children (boys and girls) from the Culverhay school area gain places at St Gregory's Catholic College and they would continue to do be able to do so.</p>
<p>Other options considered</p>	<p>Other options were considered and evaluated against following key criteria;</p> <ul style="list-style-type: none"> • How they would contribute to improving educational standards • The extent to which they maintain choice and diversity but meet parental demand church and co-educational places • Whether they reflected the views in the consultation including the level of support for individual schools. • Whether it will lead to a more efficient use of resources • Whether proposals would enable young people to access a local school and reduce travel across the city.
<p>The Decision is subject to Call-In within 5 working days of publication of the decision</p>	

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	21 July 2010	AGENDA ITEM NUMBER
TITLE:	A Review of Secondary Schools in Bath	EXECUTIVE FORWARD PLAN REFERENCE: E 2097
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Summary of consultation responses		

1. THE ISSUE

- 1.1. In March 2008 Council approved a strategy for the future of secondary schools in Bath & North East Somerset. In May 2008 Cabinet agreed to consult on proposed changes to some Bath schools specifically the closure of Culverhay (boys), Oldfield (girls) and St Mark's C of E schools and a linked proposal to open one new co educational school in the north of the city and one new co-educational school in the south of the city.
- 1.2. A public consultation exercise on this proposal was undertaken between March and May 2010 and this report sets out the results of the consultation.

2. RECOMMENDATION

The Cabinet agrees to:

- 2.1. 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.
- 2.2. Support Oldfield school in seeking to become a **co-educational** academy and obtain written confirmation from the Head and the Governing Body by Friday 17 September 2010 that co-educational 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 co-educational academy by 1 September 2012.
- 2.3. If written confirmation that co-educational status has been included in the school's Application to convert to an Academy by 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.
- 2.4. Consult on the proposal to close Culverhay school.

3. FINANCIAL IMPLICATIONS

- 3.1. The impact of any decision will depend on the specific details of the decision and the resultant number of pupils attending Bath & North East Somerset schools.
- 3.2. Revenue funds are provided to the LA based on the number of pupils attending schools within the LA. The allocation known as the Dedicated Schools Grant (DSG) is a ring-fenced grant that has to be spent on schools or services supporting schools under regulations laid down in the Education Act 2003.
- 3.3. The current DSG allocation per pupil (2010-11) is £4,203 per pupil. Funding allocations to schools average approximately £3,850 leaving £350 per pupil used on services supporting schools.
- 3.4. The principles of school funding are that if a school is closed then funding will follow the pupils to whichever school they attend. So if the pupil numbers attending Bath & North East Somerset schools were to remain the same the overall, DSG would remain the same whichever schools the pupils attend. However if pupil numbers were to fall then there would be a subsequent reduction in DSG.
- 3.5. As the purpose of the review is to remove surplus places and provide more co-educational places it is anticipated that there will not be an overall reduction in the number of pupils attending schools in Bath and North East Somerset. Parental choice may result in higher or lower number of pupils attending our schools as a result of any decision on school provision. As described earlier any reduction in pupil numbers would result in a proportionate reduction in resources being provided to the LA as part of the Dedicated Schools Grant.
- 3.6. All schools are funded through the Local Management of Schools (LMS) formula. If any school were to be closed approximately £150k of funding for fixed cost elements of the formula would be saved and could be re used to target at priorities by the Schools Forum. Some schools also receive additional resources in their formula funding for specific items like Curriculum protection which supports a school to provide a wide ranging curriculum when its pupil numbers are small. Small secondary schools receive approximately £200k under this factor, and again these resources would be released to support other priorities if a small school were to be closed. Culverhay and St Marks are small schools.
- 3.7. There would be ongoing capital maintenance costs of keeping three schools open, this would limit any possible improvements at schools as capital resources are restricted in coming years. If a school were to be closed this would reduce the ongoing maintenance costs of the schools estate as a whole. If Schools become academies their capital requirements are not met by the Local Authority.
- 3.8. The capital resource implications are linked to the site sale of any school to be closed. Any receipt from the sale of the site would under current council policy be ring-fenced for investment in the school estate. It is estimated that the Culverhay school site could release approximately £6m-£8m. However a conservative approach to any building projects out of this resource would be followed. As projects at any school converting to a co-educational establishment will be required prior to the release of capital from the sale of any other site, it will be necessary to plan the borrowing requirements into the use of any resource resulting from a site sale.

3.9. The cost of essential work to convert Oldfield school to add co-educational facilities would be approx. £1-1.5m. Further work on improving facilities would also be considered as part of these alterations.

4. CORPORATE PRIORITIES

- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*
- *Sustainable growth*
- *Addressing the causes and effects of Climate Change*

5. THE REPORT

Background

5.1. In Jan 2007 the Children and Young People Overview & Scrutiny Panel completed a review of all our secondary schools. The Panel visited each school to see the facilities available to young people and staff in each school. They also held open public contributor sessions where the views of head teachers, governors, local councillors and the local community were heard.

5.2. The purpose of the review was *'to ensure that the current high standards in our secondary schools are maintained and improved; that all our resources are used effectively; that, wherever possible, good facilities are available to all users of school buildings; that the natural choice of parents and pupils will be their local school; that travel to schools by private car should be reduced where possible'*.

5.3. Following consideration of the findings of the Panel, full Council and Cabinet in 2008 agreed a strategy for secondary schools in Bath & North East Somerset and officers were authorised to consult on changes to secondary schools in Bath. Officers were also asked if possible to gain early access to Building Schools for the Future (BSF) funding to enable major capital investment to renew and remodel secondary schools in line with any proposed changes. In 2009 it became apparent that Bath & North East Somerset was unlikely to gain early access to BSF funding due to the economic downturn leading to uncertainty about the future of the programme. However, as capital investment would be possible from the sale of a surplus school site it was decided to proceed with consultation and publication of a notice and to use the proceeds from the sale of land following a school closure to invest in the remaining schools-

5.4. The public consultation was launched on 28 March and ran for two months. Approximately 13,000 copies of a consultation document setting out the issues and key challenges in Bath were distributed to parents at all Bath secondary, primary and special schools. Copies were also sent to all other schools in Bath and North East Somerset, ward members, local MPs, neighbouring local authorities and other stakeholders such as the Catholic and Anglican dioceses, parish councils and community groups and organisations using Culverhay, Oldfield and St Mark's C of E school sites. A copy of the consultation document can be found on the Council website http://consultations.bathnes.gov.uk/consult.ti/bath_review/consultationHome. People were invited to respond using the detachable pro forma in the document, by email and letter or on line through the Council website.

- 5.5. Public consultation meetings were held at Culverhay, Oldfield and St Mark's C of E schools with an additional meeting at the Guildhall for those unable to attend one of the school meetings. Every attempt was made to ensure that the meetings could accommodate those wishing to attend, including the provision of overflow areas with both an audio and visual link so that people could see and hear the presentations by officers and the schools. Approximately 500 people in total attended the public meetings. A summary record of the public meetings has been provided to Cabinet.
- 5.6. Since the launch of the consultation in March there have been developments which may impact on the proposals that were consulted on and the options available to Members. The new Government is taking forward legislation that will enable a greater number of schools to become Academies outside local authority control, with those judged outstanding by Ofsted able to be fast tracked to achieve Academy status subject to agreement by the Secretary of State for Education. Two schools involved in this consultation Culverhay school and Oldfield school have indicated that they are seeking Academy status with Oldfield school as an outstanding school aiming to achieve Academy status as soon as legislation has been passed.
- 5.7. During the consultation period St Mark's C of E school announced that it is proposing to federate with St Gregory's Catholic College with a shared Post 16 provision. Federation can be proposed by two or more schools at any time and does not require statutory consultation or publication of a statutory notice prior to implementation.

Implications of proposed Government legislation – Academies Bill

- 5.8. Schools judged outstanding by Ofsted can be fast tracked possibly enabling them to become Academies immediately after the new Academies Bill is in place in autumn 2010. Oldfield which is an outstanding school has announced that it will seek approval to become an Academy and remain a single sex girls school.
- 5.9. The Council supports the Academies agenda and has made it clear that it has no objection to schools becoming Academies. However, if Oldfield school became a single sex girls Academy this would prevent the Council delivering its plan for Bath and would reinforce a pattern of provision which the review and consultation process has identified does not currently meet the needs of parents and children across the city. Parents in the Weston and Newbridge area have expressed a strong desire for a co-educational school 'in this part Bath'. If the Secretary of State for Education were to approve a single sex academy this would deny the majority of local parents the type of school that they wish.
- 5.10. Recent guidance from the Department for Education on the application process for schools wishing to become Academies states that where *'schools wishing to convert that are already part of a local reorganisation the Secretary of State will want to review the merits of each case before making a decision'*. The Council and local MPs have already made representations to the Government office for the South West and the Secretary of State for Education, providing details of the Council's agreed strategy and consultation process and expressing concern about the potential impact of the proposal by Oldfield school to become a single sex academy.

5.11. The guidance also states that new academies must admit pupils wholly or mainly drawn from the area in which the academy is situated. The term 'area' is not defined.

Key challenges in Bath

5.12. As set out in the consultation document, although standards in our schools in Bath are good overall the city of Bath area has some particularly complex issues:

5.13. Parents and carers in surveys in 1999 and 2004 identified that they want more co-educational places with approximately 60% of parents preferring co-educational (boys and girls educated together) schooling for their children. Currently only 40% of places are co-educational.

5.14. Four of the seven schools are single sex. Of the remaining three schools, two are Voluntary Aided Church schools. This leaves a choice of only one school, Ralph Allen school, for those parents/pupils who wish for a co-educational, non church school.

5.15. The seven schools have a total of 5,545 places available for pupils aged 11-16 but only approximately 4,800 pupils go to these schools and therefore there are around 750 unfilled places in Bath secondary schools, mainly in St Mark's C of E school and Culverhay school.

5.16. Approximately 4,000 of these 4,800 pupils live in Bath and the surrounding villages (including approximately 80 per year group pupils from a much wider area attending St Gregory's Catholic College as their nearest Catholic secondary school). Approximately 800 pupils travel into Bath every day to these schools; the largest number being girls attending Oldfield school from South Gloucestershire and Bristol.

5.17. Because schools are funded mainly on a per pupil basis, small pupil numbers can create financial problems for small schools and make it difficult to provide a sufficiently wide range of specialist teachers and subjects.

5.18. The total number of pupils, even with increased numbers of pupils expected to be generated from new housing developments, will only be enough for six secondary schools for the foreseeable future.

5.19. Every secondary school in Bath has some buildings which are in poor condition and need improvement. Maintaining the correct number of schools and places will mean that resources for repairs and maintenance can be used as efficiently as possible.

The plan for Bath is aimed at addressing the key challenges set out above and proposes

5.20. A reduction in the total number of schools from seven to six to remove surplus places and reflect the current and future need in Bath.

5.21. A reduction in the number of single sex places and the provision of more co-educational places to meet parental demand.

5.22. Creating the right size schools which are educationally and financially secure.

5.23. The provision of sufficient Church school places to meet the level of demand.

5.24. Maintenance of one single sex girls school and one single sex boys school to provide choice for parents.

5.25. To have one new co-educational school located in the north of the city and one new co-educational school in the south.

Key issues arising from consultation

5.26. In total 13,000 copies of the consultation document were issued with 619 replies received. Appendix 1 provides a summary of the responses to the consultation questions and the relationship of respondents to the schools.

5.27. The consultation document asked parents and other consultees the following questions:

1. Do you agree with the Council's overall plan/strategy for Bath (as set out above)?
2. Do you agree with the proposal to close Culverhay, Oldfield and St Mark's schools and to open one new 11-18 co-educational school with a planned admission number of 160 in the north of the City and a linked proposal to open one new 11-18 co-educational school with a planned admission number of 160 in the south of the City?

5.28. As can be seen from Appendix 1 a significant majority of respondents support both the overall plan for Bath (72%) and the closure of Culverhay, Oldfield and St Mark's C of E schools and the opening of two new schools (66%).

5.29. More responses were received from parents/carers of pupils at St Mark's Co of E school and Oldfield school than Culverhay school but the largest number (72%) were from parents/carers of primary school pupils who would enter secondary education in future years. Of these 76% are in favour of the proposal.

5.30. Those linked to St Mark's C of E school expressed strong support for the continuation of a church school on the St Mark's C of E school site reinforcing earlier parental surveys which confirmed a demand for church school places. Consultees felt that the school served its local community and it was essential that there was a school located in the North East of the city.

5.31. Travel difficulties arising from the potential for either Oldfield or St Mark's C of E schools to close was a concern as the schools are located at the extreme North West and North East of Bath respectively. Should one of these schools close parents were concerned that pupils living in these areas would be required to travel long distances in order to attend school, adding to the existing difficulty in moving around the city and compromising the Council's stated carbon reduction policy.

5.32. Supporters of Oldfield school questioned the proposal to close an outstanding school. (OFSTED judged 2003 "Very Effective" and 2007 "Outstanding").

- 5.33. Parents of primary aged children living in the Weston and Newbridge areas supported the provision of a new co-educational school on the Oldfield school site as currently there is no co-educational option in this area and particularly a lack of options for boys living in this area.

Admissions arrangements

- 5.34. It is necessary to consider the admission arrangements that would accompany any proposals to change the number and location of schools in Bath. The current pattern of admissions where six of the seven schools have the same basic catchment - the Greater Bath Consortium (GBC) area (the seventh school, St Gregory's Catholic College has a wider catchment area) works very well. In addition the use of First Areas within the GBC for rural areas (Ralph Allen school - South East of Bath and St Mark's C of E school - North East of Bath) protects those children in outlying rural areas that might otherwise be disadvantaged due to distance. In the last two years over 90% of parents have received their first preference choice of a secondary school in the city. It would therefore be proposed to continue this pattern.
- 5.35. There are clear advantages of not having specific catchment areas within the city which parents may feel are unfair. Evidence in other parts of the country reveals they can lead to house purchases to obtain places in precise catchment areas.
- 5.36. If the decision is taken to close a school then the GBC area would apply to the remaining six schools with distance from the school being a key criterion after looked after children and siblings attending the school.
- 5.37. Should Oldfield school be closed and no co-educational school be provided on the Oldfield site then children from the upper Weston area in particular would have a long journey to school (Culverhay; St Mark's; Hayesfield and Beechen Cliff schools) and may have limited choices as children living closer to those schools would have priority places on distance grounds. If there were no co-educational school on the Oldfield site it is estimated that about 30 children each year might be disadvantaged and not achieve their first preference.
- 5.38. Should St Mark's C of E school be closed and no co-educational school be provided on the St Mark's C of E school site then children from the Larkhall area in particular would have a long journey to school and may have limited choices as children living closer to those schools would have priority places on distance grounds. If there were no school on the St Mark's site it is estimated that about 15 children each year might be disadvantaged and not achieve their first preference.
- 5.39. Should Culverhay school be closed then pupils from the Twerton and Southdown areas in particular would have a longer journey to school unless they chose a single sex girls school (Hayesfield) a single sex boys school (Beechen Cliff) or a Catholic school (St Gregory's). If there were no school on the Culverhay site and Oldfield school was a co-educational school it is estimated that less than 10 children each year might be disadvantaged and not achieve their first preference.

Key factors to consider

- 5.40. When Members are considering the proposals set out in the recommendations they will need to consider whether they address the key challenges in Bath as set

out above, whether they reflect the views expressed through the consultation and the level of support for individual schools.

a) The extent to which the proposals will contribute to improving educational standards.

5.41. As part of the consultation exercise a proposal was received from the Chairs of Governors at St Mark's C of E school and St Gregory's Catholic College and the Directors of Education at the Diocese of Clifton and the Diocese of Bath and Wells for St Mark's C of E school and St Gregory's Catholic College to form a hard federation. This proposal would retain two distinct schools but create a single governing body from September 2011 with one headteacher. St Gregory's Catholic College is an Outstanding school (OFSTED 2008) and became a National Support School in 2009, recognised as having the ability to work with and raise standards in other schools. A hard federation between the two schools has every potential to significantly raise standards at St Mark's C of E school.

5.42. Oldfield school was judged by OFSTED to be outstanding in 2007. The leadership and management were judged to be "outstanding and the school's capacity to continue to improve was judged as "outstanding". Oldfield school is well placed to raise standards further were it to become a co-educational school. The Governing Body and the Headteacher have stated on a number of occasions that Oldfield school would be willing to become a co-educational school. Should Oldfield school become a co-educational school it has the potential to meet the needs of all the boys and girls from West and North West Bath area and become an outstanding co-educational school.

b) The extent to which the proposals maintain Choice and Diversity and meet parental demand for co-educational and church places

5.43. As stated in section 5.13 major surveys conducted in 1999 and 2004 together with this consultation all reveal the demand for more co-educational school places in the City of Bath. The proposal to retain a co-educational Anglican Secondary School on the St Mark's C of E school site through a hard federation with St Gregory's Catholic College and provide a non-denominational co-educational school on the Oldfield school site would both increase co-educational places and maintain the balance of church school places.

5.44. Together with the four schools to be retained, Hayesfield school and Beechen Cliff school (single sex girls and boys schools), Ralph Allen school (co-educational) and St Gregory's Catholic College (co-educational), this would provide an excellent range of schools providing parents with a genuine choice of schools of different types.

c) Degree of support from parents and wider stakeholder for the proposals.

5.45. As set out there was considerable support for the overall plan for Bath although consultees understandably differ in their views as to how this can be best achieved.

5.46. The proposals reflect the consultation responses by recommending the retention of church places through the continuation of St Mark's C of E school for which

strong support was expressed. The proposed federation with St Gregory's Catholic College provides the potential to build on this high level of support.

- 5.47. The high level of demand from parents of primary aged children supporting a co-educational school in North West Bath site would be met by either Oldfield school becoming a co-educational school or co-educational academy or the provision of a new co-educational school on the Oldfield school site via a competition.

d) Whether the proposals will lead to a more effective and efficient use of resources

- 5.48. A reduction in the number of schools would lead to a more efficient use of resources through savings in both revenue and capital funding. As set out in Section 3 the closure of a school would provide £150k approximately of fixed cost revenue savings. The closure of Culverhay school would provide an additional £200k saving through the small school support element proving a total of £350k which could be used to benefit other schools with priorities to be agreed with the Schools Forum.

- 5.49. The Government has recently announced it is halting the Building Schools for the Future (BSF) programme which removes prospects of building new schools in Bath & North East Somerset. Future levels of other capital funding from government are also almost certain to be significantly less than previous years. Children's Services in line with all Council departments will also face revenue budget reductions impacting on the capacity to borrow to fund capital. In these circumstances the already considerable backlog of schools planned maintenance e.g. roofs, windows, and boilers is likely to increase with only highest priority essential work being done. This will mean that necessary but less essential maintenance will not be possible with consequent deterioration in those areas of the buildings with a risk that some parts of buildings become unfit for purpose. Retaining more schools than are necessary will in time increase the overall level of essential maintenance required at a time when funding is reducing. A reduction in the number of schools through the closure of Culverhay school would reduce the level of maintenance required and provide a capital receipt of £6-8m a proportion of which could fund the essential works required to provide more co-educational facilities and the balance may fund additional improvements.

e) Extent to which the proposals enable young people to access a local school and reduce travel across the city

- 5.50. The proposals for the six schools to be provided through this consultation would provide a pattern of schools that is able to best meet the needs of the majority of pupils in the City of Bath (see also sections 5.34 to 5.39 covering Admissions issues).

- 5.51. Currently Hayesfield school (girls) and Beechen Cliff school (boys) have a City-wide catchment and enable the majority of pupils 1st preference in Bath to gain places at these schools. This would continue as at present. Similarly, St Gregory's Catholic College would continue as at present meeting the needs of catholic pupils from a wide area, including the City of Bath. These three schools would cater for approximately 400 pupils drawn from across the whole city.

- 5.52. The remaining three schools (Ralph Allen school and two co-educational schools on the St Mark's C of E and Oldfield school sites) would serve specific areas of

the City. The most isolated areas of the City and its surroundings (the rural area towards Freshford and Batheaston and the urban areas of Larkhall and Upper Weston) are best served by schools in these three localities. This would reduce the distance travelled to school and the number of pupils taking journeys across the city, especially if these schools were high performing and popular and greater numbers of pupils living in each of these areas chose to attend their local school rather than travel to a school that is further away. The Twerton and Southdown area would continue to be served by Oldfield school and Hayesfield school (all girls living in this area currently attend schools outside the area) and boys would be able to attend Oldfield school (co-educational), Beechen Cliff school, Ralph Allen school, or St Gregory's Catholic College or St Mark's C of E school if a church school was preferred. It is anticipated that as more pupils choose their local school rather than travel greater distances to other schools as at present, places will become free in Beechen Cliff school and Ralph Allen school that could be occupied by pupils from the Twerton and Southdown area.

- 5.53. If a co-educational school were to be provided on the Culverhay school site this would provide easy access for children in the South West of the City but would result in long journeys to school and restricted choice for either the Weston area or Larkhall area (depending on whether a school was provided on the Oldfield school site or St Mark's C of E school site).

6. RISK MANAGEMENT

- 6.1. The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2. Oldfield school have stated that they would like to become a co-educational school. Funding (initially £2 million) is available to make modifications to the buildings to accept boys (approximately 50 in Y7 in the first year of becoming a co-educational with additional numbers of 11 year olds in each subsequent year). However there is a risk that Oldfield school will request substantial building modifications costing in the region of £10m and therefore will not proceed to becoming a co-educational school or academy. In this case the only course of action would be closure and a competition to run a new co-educational school.

7. EQUALITIES

- 7.1. An equalities impact assessment has been carried out and reviewed by the Lead Cabinet Member
- 7.2. The proposals will continue to provide single sex places at centrally located schools providing equality of access and meeting parental demand. An increase in the number of co-educational places and the retention of church places will ensure choice and diversity.

8. RATIONALE

- 8.1. There are 5,545 places available for pupils aged 11-16 in the seven secondary schools in Bath. However, only approximately 4,000 pupils living in Bath and the surrounding villages (including approximately 400 pupils from a much wider area attending St Gregory's Catholic College as their nearest Catholic secondary school) attend these schools. Despite an additional 800 pupils attending Bath

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secondary schools from outside Bath and North East Somerset, there remain around 750 unfilled school places in these seven schools. The majority of these unfilled places are in Culverhay school and St Mark's C of E school with a smaller but significant number at Oldfield school.

8.2. Therefore, in order to ensure the effective use of resources, provide schools with sufficient pupils to maintain a broad and balanced curriculum with a range of options and to raise standards only six secondary schools are required.

8.3. The consultation responses have revealed strong support for the strategy to reduce the number of schools from seven to six.

8.4. In order to maintain choice and diversity and to meet parental preferences it is important to maintain both single sex and co-educational provision and church and non-church school places. Therefore it was proposed to retain one single sex boys school (Beechen Cliff) one single sex girls school (Hayesfield) a co-educational school (Ralph Allen) and a Catholic secondary school (St Gregory's Catholic College). This strategy was also well supported by the consultation responses (71%).

8.5. In order to maintain the balance of church school places and also to provide more co-educational places a further two schools need to be provided. Due to the difficulty and cost of obtaining land for a secondary school in an urban area such as Bath existing school sites need to be used.

8.6. It is proposed that these two schools should be:

1. An 11-18 Anglican Faith School on the St Mark's C of E school site. The key factors in reaching this conclusion are:
 - The Diocese of Bath and Wells already owns this land and there is already an 11-18 school on this site;
 - The hard federation proposed by St Mark's C of E school and St Gregory's Catholic College and supported by the Dioceses of Bath and Wells and Clifton has every potential to significantly raise standards at St Mark's C of E school and increase the number of pupils on roll;
 - There is strong support from the local community for a secondary school on the site;
 - The long and difficult journey for a significant number of pupils if there were no school in North East Bath (particularly from the Larkhall and Lambridge areas). The journeys to school and traffic across the city would be reduced if local children were to attend the school on this site.
2. An 11-18 co-educational school on the Oldfield school site. The key factors in reaching this conclusion are:
 - The current school with a 192 Planned Admission Number is able to provide sufficient co-educational places on the site;
 - Modifications to the buildings can be undertaken within a budget of approximately £1.5m to enable both boys and girls to attend the school;

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- Oldfield school is already on “Outstanding” school (OFSTED 2007) and the Governing Body have expressed a desire for the school to become a co-educational school;
- There is very strong demand from local parents for a co-educational school on the site, particularly from parents of primary age pupils;
- A co-educational school on this site would reduce the journeys to school and traffic across the city if local children were to attend the school.

8.7. These decisions would however mean that a consultation on the proposal to close Culverhay school with no new school on the Culverhay site would need to be carried out. If the decision was made to close the school with no new school on the site, careful consideration would need to be given to the impact of this on pupils and staff at the school and on the local community. If Culverhay school was to close, the pupils from the area could be accommodated in the six remaining schools throughout the City.

8.8. Currently a large number of boys from the Culverhay school area attend Beechen Cliff and Ralph Allen schools. They would continue to be able to do so with boys also able to attend Oldfield school if it were to be a co-educational school.

8.9. Currently all girls from the Culverhay school area gain places at Oldfield, Hayesfield and Ralph Allen schools. They would continue to be able to do so.

8.10. Catholic children (boys and girls) from the Culverhay school area gain places at St Gregory’s Catholic College and they would continue to do be able to do so.

9. OTHER OPTIONS CONSIDERED

9.1. Other options were considered and evaluated against following key criteria;

- How they would contribute to improving educational standards
- The extent to which they maintain choice and diversity but meet parental demand church and co-educational places
- Whether they reflected the views in the consultation including the level of support for individual schools.
- Whether it will lead to a more efficient use of resources
- Whether proposals would enable young people to access a local school and reduce travel across the city.

Option 1

Close Oldfield school and close St Mark's C of E school. LA run a competition to open a new 160 place co-educational school on the Oldfield school site (The Diocese may seek an exemption from running a competition and consult on the proposal to open a new C of E school on the Oldfield school site or on the St Mark's C of E school site or propose a C of E school on the current St Mark's C of E school site in the competition).

With a linked proposal to close Culverhay school and LA run a competition to open a new 160 co-educational school on the Culverhay school site.

This was the proposal set out in the consultation paper. This option could provide more co-educational places at Oldfield school or St Mark's C of E school and if a school were on the Oldfield school site meet parental demand for co-educational places in North West Bath and provide more co-educational places in South West Bath on the Culverhay school site. However closure of Oldfield or St Mark's C of E schools would provide only one school serving North Bath which is a major concern of parents due to travel difficulties as these schools are at the extreme North West and North East of city respectively. It could also mean the loss of church places which consultation has confirmed are still required and valued by parents if the Diocese was not successful in obtaining an Exemption or was not the winner of the competition. Finally, the closure of one of these schools could be detrimental to educational standards as Oldfield school is an outstanding school and St Mark's C of E school through the proposed federation with St Gregory's Catholic College has an opportunity to raise standards. Preserving a school on the Culverhay school site which although co-educational may not be as attractive to parents as other options available.

Option 2

St Mark's C of E school remains open on its current site federated with St Gregory's Catholic College.

LA run a competition to open a new 160 place co-educational school on the Culverhay school site and then a notice to close Culverhay school.

Linked proposal to close Oldfield school.

This option has, through the proposed federation of St Marks' C of E school and St Gregory's Catholic College, the potential to raise standards and would meet the demand for church places. It would provide a good choice for parents in South West Bath through a co-educational school on the Culverhay school site. However it would mean the closure of Oldfield school as an outstanding school and would remove the potential for Oldfield school to become a co-educational school or academy. Also it would not provide co-educational places in North West Bath contrary to the wishes of parents, and could lead to pupils from the area not getting any of their first choice alternative schools through distance criteria in the admissions process.

10. CONSULTATION

10.1. *Ward Councillor; Cabinet members; Parish Councils; Trades Unions; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2. Extensive and wide reaching consultation on the school re-organisation proposals for Bath were undertaken between March and May 2010. This included a consultation document circulated to a range of statutory consultees to include pupils, parents and carers of existing pupils and of local primary age pupils, school staff - both teaching and non-teaching, ward councillors, local MPs, Catholic and Anglican dioceses, trade unions and neighbouring authorities. Local

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public consultation meetings were held at each school with an additional meeting for those unable to attend the school meetings.

11. ISSUES TO CONSIDER IN REACHING THE DECISION

11.1. *Social Inclusion; Sustainability; Human Resources; Property; Young People; Corporate; Impact on Staff; Other Legal Considerations*

12. ADVICE SOUGHT

12.1. The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Chris Kavanagh 01225 395149
Sponsoring Cabinet Member	Councillor Chris Watt
Background papers	Consultation document – 'A Review of Secondary Schools in Bath'
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council	
MEETING:	Children & Young People Overview & Scrutiny Panel
MEETING DATE:	10 August 2010
TITLE:	Additional information from Children’s Service responding to call-in of decision E2097
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
None	

The information set out below provides for the panel an initial response from officers in the Children’s Service to the grounds set out in the call-in of the decision E2097: ‘A Review of Secondary Schools in Bath’ taken by the Cabinet on 21st July 2010. Under each of the four grounds stated for the call-in, a summary response is provided, together with supporting evidence.

- 1. The consultation was based on the scenario of closing three schools and reopening two – one in the north and one in the south of the city. This scenario was approved by the majority of respondents (66%). By abandoning this scenario and recommending the closure of one school in the south, the Cabinet has disenfranchised residents who, believing that the outcome of the consultation would be a new, coeducational school at Culverhay (which is what the community has wanted for a long time), did not respond to the consultation in large numbers.**

Response

The consultation did include this specific scenario, but importantly also sought views on the overall plan for Bath and indicated that this was not the only possible option. It is clear that responses from communities linked to Culverhay were relatively low, but responses from other Bath communities suggest widespread support for the overall strategy, regardless of the potential impact on their local secondary school. We have recommended (and the cabinet has resolved to undertake) a further consultation on the specific proposal to close Culverhay with no new school on the site. Residents and all other consultees will have the opportunity to respond to the new proposal.

Evidence

The consultation was very specific in seeking views on the proposal “to close St Mark’s C of E school, Oldfield school and Culverhay school and open one new 11-18 co-educational school with a planned admission number of 160 in the north of the city and a linked proposal to open one new 11-18 co-educational school with a planned admission number of 160 in the south of the city”.

The consultation document was also quite clear (page 6) that “It is important to note that no decisions have been taken about the future of schools only to consult on preferred options. This paper is the first stage of that consultation process. Other options may emerge as a result of the consultation”.

The overall plan was supported by 72% of respondents (consultation question 1). These responses were in relation to the plan as a whole not simply specific schools north or south of the river, although this was one of the six key points in that plan.

The question that 72% of respondents stated they agreed with was: -

1. Do you agree with the Council’s overall plan/strategy for Bath which is to:
- Reduce the number of schools from seven to six to remove surplus places and reflect the current and future need in Bath.
 - Reduce the number of single sex places and provide more co-educational places to meet parental demand.
 - Provide sufficient Church school places to meet the level of demand.
 - Maintain one single sex girl’s school and one single sex boy’s school to provide choice for parents (Beechen Cliff and Hayesfield).
 - Create the right size schools which are educationally and financially viable.
 - Have one new co-educational school located in the north of the city and one new co-educational school in the south of the city.

In the consultation responses, the views of parents, pupils and staff from St Marks, primary school parents, governors and staff across the City and communities close to the three schools each showed a majority in favour of the overall strategy, even though those close to or linked with Oldfield or St Marks could have seen their local secondary school as under greater threat than Culverhay families.

The recommendation by cabinet to consult on the closure of Culverhay with no new school on this site recognises that the proposal is different from the main consultation question. That is why we recommended (and the cabinet decided) to now consult specifically on the closure of Culverhay with no new school on this site and not simply to close Culverhay without further consultation.

2. The decision is premature. The availability of ‘Building Schools for the Future’ funding was a significant driver of reorganising secondary provision in Bath. Given that this funding stream is no longer available following the change in Government, the Cabinet has not adequately considered the need to wait until the situation regarding schools legislation and future funding mechanisms is more certain.

Response

This decision is the culmination of a lengthy process over many years, is not based on the availability of national capital funding and seeks to address known and pressing issues of surplus places and lack of available capital.

Evidence

The decision is based on raising standards; maintaining choice and diversity and meeting parental demand for co-educational and church places; support from parents and wider stakeholders; more effective and efficient use of resources; enabling young people to access a local school. These are set out in the cabinet

paper, including the prospects for capital funding following the cancellation of the BSF programme.

This decision builds on work over many years including parent and carer surveys from 1999 and 2004; an Overview & Scrutiny Panel review in 2007; and the strategy for the future of secondary schools in Bath & North East Somerset approved by the Council in March 2008.

The decision is not based on the “Building Schools for the future” (BSF) programme, which has been cancelled, nor on future central government funding, which is unlikely to be available for many years to come.

In Bath we have 1500 more places than are required for Bath pupils, of which 800 remain unfilled. We have seven schools requiring on-going maintenance and limited funds for investment. The lack of availability of external capital funding means there is no prospect of modifying buildings from single sex to co-educational provision without Council investment. This could be achieved from the closure of a school, as set out in the cabinet paper.

3. The Cabinet has decided that there should be no change to schools in Keynsham, but the option of no change to schools in Bath has not been considered under section 9 of the report. This is inconsistent.

Response

This decision is about schools and standards in Bath, not Keynsham.

The option of no change in Bath was considered but not explicitly stated in the report, because of both the compelling rationale for change and the level of public support for the overall strategy.

Evidence

The high percentage of responses in favour of the overall strategy (question 1) in the consultation demonstrate that change is supported by the majority of people.

The rationale in section 8 of the cabinet report sets out why change is required.

The reasons that no change for Bath was considered but rejected are: -

- Standards overall are not improving fast enough – more effective use of resources can help to address this
- There is a clear and strong demand for more co-educational places
- There 800 places remain unfilled in the 7 schools
- 1,000 pupils a day come to the seven schools from outside Bath (only 4,000 from within Bath) and this may not be sustainable.
- Maintaining seven large school buildings with significant repair maintenance and suitability issues is expensive and difficult to sustain in the current economic situation.

In addition, consideration was given to retaining all seven schools with Oldfield and Culverhay both becoming co-educational schools. Although this meets the criteria for increasing co-educational places, it would not reduce surplus places; would not address the issue of standards; and is not affordable – i.e. there is no prospect of being able to fund the necessary modifications to the buildings without a capital receipt from sale of a surplus site.

4. If the primary purpose of the review is to improve educational standards, it is inconsistent to close a school which is rated as 'good' by Ofsted but to keep both schools in Keynsham, which have lower Ofsted ratings, open. Furthermore, insufficient consideration has been given to the extra services provided at Culverhay school to pupils and to the community (e.g. leisure centre, extracurricular activities, links with primary schools and Bath Spa University) and to the 'value added' to pupils' educational attainment.

Response

This decision is about schools and standards in Bath, not Keynsham. If the plan for Bath, which is widely supported, is to reduce from 7 to 6 secondary schools, then that will result in the closure of a good school - but for valid reasons, as set out above.

Full consideration can now be given (in connection with the specific consultation on closure) to the community facilities available at the Culverhay site and whether these can be maintained.

Culverhay provides a good education and high value added but few parents choose the school and so it has a high number of surplus places. The authority needs to take into account a range of measures when assessing school performance, as well as looking at how standards can best be maintained and improved across the City in the context described.

Evidence

The evidence for wide support and the rationale for reducing from 7 to 6 secondary schools are set out above and in the cabinet paper.

We have no secondary schools in Bath currently rated below 'Good' by Ofsted (Hayesfield, Oldfield and St Gregory's are rated 'Outstanding', the others 'Good').

The cabinet paper indicated (section 8.7) that 'If the decision was made to close the school with no new school on the site, careful consideration would need to be given to the impact of this on pupils and staff at the school and on the local community.' This consideration can now be built in to the next stages of the process.

Culverhay received 33 first preference choices and has been allocated a total of 45 year 7 pupils for September 2010, compared to a Planned Admission Number of 102.

Contact person	<i>Mike Bowden Divisional Director – Health, Commissioning & Strategic Planning Children's Service</i>
Background papers	<i>Agenda papers already circulated</i>
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council			
MEETING:	Cabinet		
MEETING DATE:	18 August 2010	AGENDA ITEM NUMBER	
TITLE:	A Review of Secondary Schools in Bath (reconsideration following call-in): Appendix 4 Further supporting information for Cabinet reconsideration of decision	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2097

This paper provides some supporting information for the Cabinet, in respect of the specific concerns raised by the Overview and Scrutiny Panel and during the debate at the Panel meeting following the call-in of the original decision.

This is set out under four headings reflecting the Panel's key concerns, plus information on travel, value added and school transfers.

1. The consultation had not been sufficiently clear about the proposals for Culverhay School

The original consultation document proposed the closure of three schools, with two new co-educational schools to be opened in their place – one north of the river and one to the south. This included the closure of Culverhay, but suggested that it would be replaced with a co-educational school (as it is the only one of the three affected schools that is south of the river). The consultation was also specific in suggesting that alternative proposals arising during the consultation would be considered. However, it is clearly regrettable that some people felt that it was not made sufficiently clear that there was a possibility of not having a school on the Culverhay site.

In line with DfE guidance where an option emerges from a consultation which did not form part of the original proposal a further consultation process should be undertaken and this is what Cabinet have agreed regarding the new proposal to close Culverhay but not have a school on the existing site.

The statutory consultation process is expected to be similar to the earlier consultation process;

- Publication of consultation document in September followed by a 5 week consultation period including public meetings at Culverhay and the Guildhall.
- A formal report in November setting out the responses to the consultation and the issues raised for consideration. This will enable a formal decision on whether to publish a legal notice for the closure of Culverhay.
- If it is decided to publish a notice, this could happen in December, with a further 6 week representation period for the public to comment although no public meetings are held.
- At the end of the representation period there would be a decision on whether to proceed with the closure of Culverhay school from September 2012

This further consultation should provide opportunity for consideration of the implications of the proposed closure and should inform the subsequent decision about whether to proceed with closure of Culverhay School, as well as informing how the closure programme would be managed.

2. The impact of changes in legislation was uncertain especially in relation to Academies and Oldfield School

The Academies Act 2010 gained Royal Assent on 27 July, after the last Cabinet meeting. Whilst a number of amendments to the original Bill were incorporated during its passage through Parliament, the essence remains as we originally understood it.

Oldfield School's application to become an Academy remains subject to consideration by the Department for Education, who are aware that the school is subject to a reorganisation process and that we have asked the school to confirm that its proposals include becoming co-educational.

We have asked the school to confirm this by Friday 17th September and said that if this is not forthcoming we would expect to commence a competition for a new co-educational school to replace it. We remain confident that in either event, this will enable us to have a co-educational school on the Oldfield site by September 2012.

We are still working through the full implications of the Act for the Local Authority's future role and functions, but the government's aim is to enable schools to 'provide a first-class education', to 'innovate and raise standards'. It is likely that over time, more local schools will become academies and the Local Authority's role in providing strategic oversight of the local school system will be diminished.

This suggests that the re-organisation of secondary schools in Bath, in order to remove surplus places and increase the availability of co-educational provision, which has been the subject of debate over a number of years, should be pursued with vigour and not delayed.

3. The Federation of St Gregory's Catholic School and St Mark's CofE School was at an early and uncertain stage

The chairs of governors of both schools and the Diocese of Bath & Wells have proposed a 'hard' federation (in which the two schools could have a single governing body). The Diocese of Clifton has indicated that they would support closer collaboration between the schools in the form of a 'soft' federation. This would mean retaining separately accountable governing bodies and two head teachers but with a formal agreement to work jointly and the ability to delegate powers to a joint committee.

Whilst it is felt that a hard federation would provide greater security that standards at St Mark's would be raised more rapidly, the enthusiasm of both schools to collaborate in this way can only be a positive development.

The rationale for proposing the retention of an 11-18 Anglican Faith School on the St Mark's site, set out in section 8.6 of the original Cabinet paper are not solely dependent on federation, but also take into account support for maintaining church school places and the school's location in respect of journeys to school.

4. The costs associated with the closure of Culverhay School and future options for the site needed greater clarification.

The costs associated with the closure of Culverhay School have not been fully worked through yet and will be further informed by issues identified during the proposed further consultation process. The main costs are associated with the potential redundancy costs of staff at Culverhay School. It is anticipated that some of the staff would transfer to other schools at various points during a managed transition process. However there are likely to be a number of staff who would not be able or willing to transfer to other schools and would on the closure of the school be entitled to redundancy payments. The Local Authority would endeavour to use its redeployment processes to limit the numbers affected by redundancy.

Calculations using current financial year data suggest the maximum cost of redundancy and early retirements would be in the order of £950,000 although we would expect to be able to mitigate this by at least 50% through the transfer and redeployment processes described above. The costs would be spread over more than one year.

There is clear support and rationale for reducing from 7 to 6 secondary schools in Bath and the costs of closing one school can be justified on the basis of the improvements that can be achieved for children and young people across the City. Initial estimates suggest that approximately £500,000 would be released from revenue budgets supporting Culverhay as a small school, along with the fixed cost elements of the formula funding. This subsidy would increase to approximately £680,000 in future years if Culverhay remained open with a similar intake to the intake in September 2009.

Future options for the site will need to take into consideration the existing agreements in place for occupation by Bath Spa University, Foot Steps Nursery and Aquaterra Leisure. We are keen to continue to foster the close links made with the Bath Spa University and will explore with them their future plans and aspirations for both their existing accommodation and possible expansion of facilities on the site. The Nursery will also need to be consulted although initial indications are that retaining this part of the site for this purpose would be a relatively straightforward option. Discussions will also need to be held with Aquaterra Leisure about their position regarding the future management of the community sports facilities currently used jointly with the school.

An initial evaluation of the site shows that the retention of some of the existing facilities and allowing for the fact that there may be planning restrictions on some parts of the site such as the playing fields, would not prevent the disposal of a significant part of the site generating a capital receipt for investment in other schools in the order of £6-8m.

The future of the site will not be determined through this particular decision-making process, but can be informed by the community's views during further consultation.

5. Travel

We have modelled a range of scenarios to test what the impact might be of closing one school.

This remains somewhat crude, as it is based on reallocating current year 7 entrants to probable alternative schools, based on the preferences already expressed and existing rules on schools capacity and travel distances – ie it cannot fully predict patterns of parental choice in the event of a different choice of schools. Further work on the travel impact will be required as part of more detailed closure and transition plans.

However, what it suggests is that the average and maximum distances in miles from home to school for existing B&NES pupils displaced by the closure of Culverhay would not be significantly increased.

	Average	Maximum	Other pupils displaced as a result (note 3)
Existing distances for 45 year 7 entrants	1.021	2.623	
Reallocated distances for 45 entrants displaced	1.165	2.84	5 displaced (2 increased distance, 2 reduced, 1 unchanged)
Increase (decrease)	0.144	0.217	

Notes:-

1. Distances used are straight lines, not travel distance
2. For St Marks closing, the increases would be greater
3. Denotes pupils allocated a place at Beechen Cliff or Ralph Allen but who would be displaced by pupils from Culverhay receiving priority through existing criteria.

In terms of overall impact on travel in the City, the increases for existing pupils identified above would be offset by reduced distances available to families who would be able to choose co-educational provision at Oldfield – eg particularly for boys, but also some girls living in the vicinity of Oldfield, and some families in the vicinity of Culverhay seeking a co-educational school; ultimately there should also be benefits for families close to St Marks who currently choose a more distant school on the basis of standards.

Home to school transport will be available in line with national criteria.

6. Value added measures

(a) Contextual Value Added

Culverhay performs well on the measure known as Contextual Value Added (CVA). No single measure of performance can tell the whole story about a school's effectiveness and CVA must not be viewed in isolation. Contextual Value Added scores including English and maths bonuses (CVAEM) measure the progress made by pupils from the end of Key Stage 2 (KS2) to the end of Key Stage (KS4) using their test and exam results. CVA takes into account the varying starting points of each pupil's KS2 test results, and also adjusts for factors which are outside a school's control (such as gender, mobility and levels of deprivation) that have been observed to impact on pupils results. When interpreting CVA scores it is important to understand that CVA is a relative measure. Each pupil is compared with pupils sharing the same prior attainment and characteristics in the national cohort. The distribution of school scores is then centred around 1000 each year.

The table below compares Culverhay's CVA with Beechen Cliff and St Mark's. The confidence intervals indicate that the value calculated for CVA is not a precise measure

and can only be said to fall within a particular range with 95% confidence. The national mean of 1000 is within the confidence interval for each of these schools and so it cannot be said with 95% confidence that they differ from the national mean.

KS 2 to KS 4 value added measure (CVAEM – includes Eng & Maths), 2009

School	CVA	Upper confidence interval	Lower confidence interval
Beechen Cliff	998.1	1008.7	987.6
Culverhay	1011.4	1027.1	995.7
St Mark's	988.8	1004.3	973.2

(b) Other measures of added value

It is recognised that pupils have different starting points and that the proportions of pupils at each starting point will vary from school to school. Measures of absolute attainment therefore need to be complemented by measures of the progress made by pupils - the value added - from one key stage to another. Unlike the contextual value added considered in (a) above, these are measures of the levels of progress made by pupils between Key Stages 2 and 4 with no consideration of contextual factors affecting either the school or the child.

Progress level analysis KS2 to KS4 (Beechen Cliff & Culverhay) for pupils with level 3 or below at KS2

- Of those with level 3 or below at KS2 (including no result): 24% made three levels progress in English at Culverhay (5 out of 21 pupils where levels of progress could be established) compared to 70% at Beechen Cliff (14 out of 20 pupils) (2009 results)
- Of those with level 3 or below at KS2 (including no result): 14% made three levels progress in Maths at Culverhay (3 out of 21 pupils where levels of progress could be established) compared to 46% at Beechen Cliff (6 out of 13 pupils) (2009 results).

Progress level analysis KS2 to KS4 – expected (3 levels) progress 2009, all Bath secondary pupils

School	% making the expected level of progress in English	% making the expected level of progress in Maths
Beechen Cliff	80%	75%
Culverhay	56%	49%
Hayesfield	78%	62%
Oldfield	88%	76%
Ralph Allen	80%	60%
St Gregory's	79%	77%
St Mark's	52%	81%

7. School Transfers

In proposing the closure of a school, it has been suggested that we create a risk, either of a negative impact for pupils being transferred between schools (or for pupils in the 'receiving schools'); or that children from a more deprived background would do less well in a school where they are in a smaller minority.

The DfE's predecessor, the Department for Children Schools and Families, published in March 2010 a document entitled 'Pockets of poverty', which provides a framework to help schools to avoid disadvantaging pupils from comparative poverty – broadly equated with pupils entitled to Free School Meals (FSM). The report identifies that (although it is not a general rule) schools where there is a larger proportion of children entitled to Free School Meals may enable those pupils to achieve more than a similar group in a school with fewer FSM pupils.

In fact, the report includes data that suggests that Culverhay, with 18.5% of FSM pupils, falls into a category of schools which nationally deliver lower achievement for both FSM pupils and non-FSM pupils than the average for schools with less than 9% of FSM pupils (such as Beechen Cliff, Oldfield and Ralph Allen).

However, the key purpose of the report is to highlight that it is not the make up of the pupil population that determines outcomes – but that awareness of the issue, monitoring progress and provision of appropriate help can enable all pupils to fulfil their potential. The document should provide a valuable tool to ensure schools can address these issues proactively.

The Local Authority is committed to managing these changes carefully and sensitively for both pupils and staff, minimising disruption and ensuring continuity of education and support for all children and young people. Change can be unsettling for all those involved and the Local Authority would work closely with teachers' professional associations, trade unions, staff representatives, headteachers and governors throughout this process. We have prepared a "Framework Agreement" which we expect to be implemented by the Governing Body of schools affected by any closure or expansion. This Framework Agreement gives added protection for those staff directly affected by the changes.

The Council has successfully managed this process in the past when closing schools. The process of closing would be gradual and all year groups would not stop attending the school at once. The first step would be to stop admitting year 7 pupils to Culverhay at the appropriate time with a managed closure for other year groups ensuring that disruption to older pupils preparing for exams is avoided.

Contact person	Mike Bowden 01225 395610
Sponsoring Cabinet Member	Councillor Chris Watt
Background papers	Consultation document – 'A Review of Secondary Schools in Bath'
Please contact the report author if you need to access this report in an alternative format	

**Summary Statement on the outcome of the Call in –
Cabinet Decision “Review of Secondary Schools in Bath” [E2097]
Children and Young People Overview and Scrutiny Panel
10th August 2010**

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

The Panel **RESOLVED: to uphold the Call in request by 7 to 2 (abstentions)**

(This means that the “Review of Secondary Schools in Bath” decision is to be referred back to the Cabinet for reconsideration).

The following reasons were given - concern that:

- The consultation had not been sufficiently clear about the proposals for Culverhay School
- The impact of changes in legislation was uncertain especially in relation to Academies and Oldfield School
- The Federation of St Gregory's Catholic School and St Mark's CofE School was at an early and uncertain stage
- The costs associated with the closure of Culverhay School and future options for the site needed greater clarification.

The Panel requested Cabinet to consider these matters in deciding the way forward.

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

- Agenda and reports of the call-in meeting (10th August 2010) – including original decision papers and call-in request.
- The Terms of Reference for the Call-In meeting
- Copies/notes of presentations made at the meeting
- Public statements submitted in writing and/or spoken to at the meeting
- Full minutes of the Panel’s Call in meeting will be available in due course.

Copies of these items are available from the Overview and Scrutiny Team, Guildhall, Bath,
Tel: (01225) 394458

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