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6 July 2011

To: All Members of the Council
Chief Executive and other appropriate officers
Press and Public

Dear Member

Council Meeting: Thursday, 14th July, 2011

You are invited to attend a meeting of the **Council**, to be held on **Thursday, 14th July, 2011** at **6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Sandwiches and fruit and tea/coffee/cold drinks will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely

Jo Morrison
Democratic Services Manager
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Small Meeting Room, Floor 2
Independent	Performance and Improvement Team Office, Floor 1

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 Jo Morrison who is available by telephoning 01225 394358.
2. **Details of Decisions taken at this meeting can** be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above. Papers are available for inspection as follows:-

Public Access points - Guildhall - Bath, Riverside - Keynsham, 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' Libraries

3. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders who are Councillors Francine Haeberling (Conservative Group), Paul Crossley (Liberal Democrat Group), John Bull (Labour Group) and Doug Deacon (Independent Group).
4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. **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. They may also ask a question to which a written answer will be given. If an answer cannot be prepared in time for the meeting it will normally be sent out within five working days afterwards. **Advance notice of all public submissions is required not less than two full working days before the meeting. This means that for meetings held on Tuesdays notice must be received in Democratic Services by 5.00pm the previous Thursday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
7. **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

8. **Presentation of reports** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

COUNCIL MEETING: THURSDAY, 14TH JULY, 2011 AT 6.30 PM IN THE COUNCIL CHAMBER - GUILDHALL, BATH

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 7.

2. MINUTES (Pages 7 - 14)

Minutes of previous meeting of 19th May 2011

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **personal and prejudicial** or **personal**.

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Solicitor to the Council and Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why he has agreed to consider it at this meeting. In making his decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

7. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Explanation: A member of the public who has given prior notice may make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question (see note 5 above).

The Democratic Services Manager will announce any submissions received under the arrangements set out in note 5 above. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

8. **BATH TRANSPORT PACKAGE - BEST & FINAL BID TO DFT** (Pages 15 - 22)

By the 9th September 2011, the Council has to submit a Best & Final Bid to DfT for the funding of the Bath Transport Package (BTP). This Council meeting is the last opportunity to amend the transport policy to reflect what is likely to be included in the Best and Final Bid.

9. **CALL-IN OF CABINET DECISION E2233 - "DETERMINATION OF THE STATUTORY NOTICE TO CLOSE CULVERHAY SCHOOL"** (Pages 23 - 122)

In late February 2011, a Cabinet decision was made about Culverhay School that was then called in during early March. The Children and Young People Overview and Scrutiny Panel considered the reasons for submitting the call-in request, with additional information and evidence, and decided to refer the call-in request to Council.

10. **ST GREGORY'S AND ST MARK'S SIXTH FORM - PROVISION OF CAPITAL FUNDING** (Pages 123 - 126)

This report seeks the agreement of Council to the capital funding required for the provision of the new sixth form for St Gregory's and St Mark's Schools.

11. **QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

Explanation: A Member of the Council who has given prior notice may under this item make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question.

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

This Agenda and all accompanying reports are printed on recycled paper

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 19th May, 2011

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: Councillors John Bull

1 EMERGENCY EVACUATION PROCEDURE

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

2 ELECTION OF CHAIR(MAN)

It was proposed by Councillor Francine Haerberling, seconded by Councillor Paul Crossley and supported by Councillors Robin Moss and Doug Deacon and

RESOLVED that Councillor Peter Edwards be elected Chairman of the Council for the Council Year 2011/12.

Councillor Edwards made and signed his Declaration of Acceptance of Office, received the Chain of Office from Councillor Sarah Bevan and presented the Consort's Badge to Mrs Ann Edwards. Councillor Edwards then addressed the Council. During his speech (a copy of which is available on the Council's Minute book), Councillor Edwards indicated that his preferred form of address was 'Chairman'.

FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR PETER EDWARDS AS CHAIRMAN PRESIDED AT THE MEETING.

3 APPOINTMENT OF VICE-CHAIR(MAN)

It was proposed by Councillor Eleanor Jackson, seconded by Councillor David Dixon and supported by Councillors Francine Haerberling and Doug Deacon and

RESOLVED that Councillor Rob Appleyard be elected Vice-Chairman of the Council for the Council Year 2011/12.

Councillor Appleyard made and signed his Declaration of Acceptance of Office, received the Badge of Office from Councillor Edwards and thanked the Council for his appointment.

4 MINUTES

RESOLVED that the minutes of the last meeting on 15th February 2011 be approved as a correct record and signed by the Chairman, subject to an amendment from Councillor Loraine Morgan-Brinkhurst MBE to add the words “and on the Budget agenda item” at the end of the final paragraph of minute number 72.

5 APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Bull

6 DECLARATIONS OF INTEREST

Councillor Tim Ball declared a personal non-prejudicial interest in agenda item 14 as a Bath & North East Somerset Foster parent.

Councillor Sharon Ball declared a personal non-prejudicial interest in agenda item 14 as a Bath & North East Somerset Foster parent.

Councillor Gerry Curran declared a personal non-prejudicial interest in agenda item 14 as a Bath & North East Somerset Foster parent.

[Councillor Colin Barrett declared a personal non-prejudicial interest in agenda item 13 as an honorary member of WWISE – this declaration was made at item 13]

7 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

Councillor Peter Edwards presented Councillor Sarah Bevan with her Past Chairman's Badge.

It was proposed by Councillor Nathan Hartley, seconded by Councillor Francine Haeberling and supported by Councillors Robin Moss and Doug Deacon and

RESOLVED that this Council places on record its appreciation of the services performed by Councillor Sarah Bevan in the office of Chairman of the Council for 2010/11.

Councillor Bevan addressed the Council and, in so doing, thanked Members and officers for their support during her year in office. Councillor Bevan also paid tribute to the support which Councillor Edwards had given both to her, and to the Office of Vice Chairman, over the previous Council Year and wished him well for his term of office as Chairman.

The Chairman then;

(1) Advised Council that, due to family circumstances, the Leader of the Labour Group was unable to attend the meeting.

(2) Welcomed and congratulated all newly-elected Councillors and invited the Council to place on record its appreciation of the past service given by the Members who retired following the Election, and to note that work was in hand to develop a scheme to enable the Council to formally recognise their contribution.

(3) Invited Council to note the appointment of Councillor Doug Deacon as Independent Group Leader in succession to Councillor Chris Cray and confirm that existing Group Leaders remain in office, political groups having been formed with membership of Liberal Democrat 29, Conservative 29, Labour 5 and Independent 2.

(4) Congratulated Councillors Sharon Ball and Brian Simmons on their successful completion of the BTec in Local Governance qualification for Councillors, for which they are being presented with their certificates by South West Councils at the regional Awards ceremony on 9th June 2011.

(5) Informed Council that, should the meeting appear likely to continue for some time after 8.30, he would be announcing a comfort break at that point.

8 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

9 REPORT OF URGENT DECISIONS TAKEN BY CHIEF EXECUTIVE

The Council was invited to note two urgent decisions that had been made by the Chief Executive.

On a motion from Councillor Francine Haeberling, seconded by Councillor Charles Gerrish, it was then

RESOLVED

(1) To note that on 7th March 2011, the Chief Executive approved that Prudential borrowing would be used to facilitate the purchase of 8-10 John Street;

(2) To note that on 21st March 2011, the Chief Executive, in consultation with the Political Group Leaders, and exercising his power under rule 3 of the Council's Urgent Business and Absence Procedure Rules decided that Bath & North East Somerset adopt the Joint Waste Core Strategy for the West of England as part of the Bath & North East Somerset Local Development Framework and for it to come into effect on 25th March 2011.

10 NOTIFICATION OF MEMBERS ELECTED ON 5TH MAY

Council noted this item.

11 APPOINTMENT OF LEADER

Councillor Tony Clarke, seconded by Councillor Chris Watt, proposed Councillor Francine Haerberling as Leader of the Council and spoke in support of the nomination.

Councillor Andy Furse then proposed Councillor Paul Crossley as Leader of the Council, seconded by Councillor Dine Romero.

The votes for Councillor Francine Haerberling were 29, the votes for Councillor Paul Crossley were 33 (there were 2 abstentions).

It was, therefore,

RESOLVED

- (1) That Councillor Paul Crossley be duly elected as Leader of Bath and North East Somerset Council for the period ending with the Annual Meeting in May 2015;
- (2) To note that all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, executive delegation scheme and frequency of Cabinet meetings are decisions solely for the Leader to make and publicise in due course;
- (3) To note that Councillor Paul Crossley has decided to make appointments to his Cabinet as follows:
 - Councillor Nathan Hartley Early Years, Children and Youth/ Deputy Leader
 - Councillor David Bellotti Community Resources
 - Councillor Simon Allen Wellbeing
 - Councillor Tim Ball Homes and Planning
 - Councillor Cherry Beath Sustainable Development
 - Councillor David Dixon Neighbourhoods
 - Councillor Roger Symonds Transport
- (4) To note that Councillor Paul Crossley announced his intention to revisit the Bath Transportation Package and, in so doing, not proceed with the Bus Rapid Transit scheme. He also announced that they would be taking immediate steps to revoke the decision to close Culverhay school and commence consultation on converting to co-educational status with a target date for implementation of September 2013.

12 APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS

The Council considered a report on its non-executive and regulatory committee arrangements for the Council year May 2011 to May 2010 and other associated business.

On a motion from Councillor Paul Crossley, seconded by Councillor Manda Rigby, it was

RESOLVED

(1) To approve the structure for non-executive and regulatory decision making, Overview & Scrutiny and the Standards Committee as set out in the Constitution, and identified in its current form in the report at Appendix 2, with the following amendments;

- a. That there be six O&S Panels (to be known as Policy Development and Scrutiny Panels) rather than the five contained in the Appendix, with the broad remits as set out in Attachment 2 to the minutes, and authority delegated to the Monitoring Officer, in consultation with the Group Leaders, to finalise and publish the precise remits;
- b. That the Restructuring Implementation Committee comprise three Members in the proportionality; Liberal Democrat 1, Conservative 1, Labour 1.

(2) To note the updated political proportionality as set out in Attachment 1 to the minutes, updated to reflect the notification of the formation of political groups in the ratio 29 Liberal Democrat, 29 Conservative, 5 Labour and 1 Independent, and revised decision making structure as outlined in the report and minute (1) above;

(3) To approve the terms of reference for and proposed actions by Committees and Panels etc as set out in Appendix 2 to the report subject to (1) a. and b. above and constitute those bodies accordingly;

(4) To approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality as shown in Attachment 1 to the minutes and nominations made by the political groups;

(5) To appoint, as Chairs and Vice-Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship/vice-chairmanship of the body is allocated, as set out in Attachment 1 to the minutes;

(6) To authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair or Vice-Chair of such bodies in accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;

(7) To determine that the bodies on which independent members are to have seats as either voting or non-voting members are as set out in Attachment 1 to the minutes and appoint such members accordingly;

(8) To authorise the Monitoring Officer, in consultation with the Chairs and Vice-Chairs of the Policy Development and Scrutiny Panels, to constitute and support any required Panel joint working as outlined in the report;

(9) To agree that Council wishes to make an allocation of Political Assistants to eligible groups as set out in the report;

(10) To approve the allocation of Political Assistants to the Conservative and Liberal Democrat groups in accordance with section 8 of the report and instruct the

Monitoring Officer to make available to the other two groups an appropriate level of support to enable them to discharge their roles effectively;

(11) To invite Councillors to be Member Champions for the interests identified in Section 9 of the report, or alternative proposals, and asks any so interested to notify the Monitoring Officer within one month with a view to such expressions of interest being decided by Group Leaders in due course;

(12) To note the position regarding the frequency of meetings (as set out in Section 10 of the report) as the basis for enabling the diary of meetings to be prepared, with the following variations;

- a. There to be two-monthly Council meetings in July, September, November, January, February and May;
- b. There to be monthly meetings of the Cabinet

and to authorise the Monitoring Officer to project dates forward and prepare the diary on this amended basis;

(13) To note and approve the proposed freeze on members' allowances and the recommendations of the Independent Panel both as set out in the report and in respect of the removal from the Chair of the Regulatory Access Committee of any entitlement to an allowance;

(14) To note the facility available under the approved Scheme for Councillors to forego all or some of an allowance and;

- a. The Group Leaders' intention to appoint to chair the six Policy Development and Scrutiny Panels, members who have agreed to forego one-sixth of their Special Responsibility Allowance (SRA);
- b. The Leader's intention to appoint to Cabinet, members who have agreed to forego a proportion of their SRA with the intent that the overall cost of SRAs for Cabinet and the Overview and Scrutiny function will remain the same, the Independent Panel having previously advised that the reallocation of SRAs to recognise particular roles within the approved budget, provided it was undertaken transparently, was acceptable to them;
- c. The Leader's intention to forego his Group Leader's allowance and allocate it pro rata to the Vice Chairs of the Policy Development and Scrutiny Panels;

(15) to instruct the Monitoring Officer, in consultation with Group Leaders, to review the Overview & Scrutiny rules and other aspects of the Constitution with a view to identifying appropriate mechanisms to ensure the optimal involvement of Vice-Chairs in the conduct of Overview & Scrutiny business and report thereon to the next meeting of Council;

(16) To designate the Strategic Director Children's Services as the Director of Adult Services as required by Section 6 of the Local Authority Social Services Act 1970, as set out in Section 11 of the report;

(17) To note the arrangements regarding Members IT as set out in the report;

(18) To instruct the Monitoring Officer, in consultation with Group Leaders, to review existing arrangements for appointments on outside bodies and report back thereon within four months; in the meantime current appointments to continue where councillors continue in office or temporary appointments be made under existing mechanisms;

(19) To appoint the Leader as a representative to the Avon & Somerset Police Authority Joint Committee in accordance with paragraph 13.3 of the report;

(20) To authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law;

(21) To ask the Standards Committee to review its procedure for investigation of complaints and report back thereon to the September meeting of Council with the intention of;

- a. Making the system fairer to those who are complained about; and
- b. Making proposals for the implementation of the Localism Bill currently before Parliament.

13 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Tony Crombie made a statement regarding the Bath Transport Package and welcoming the Leader's intention to revisit the plans.

David Dunlop made a statement regarding the Bath Transport Package – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Stephen Mackerness made a statement regarding the Bath Transport Package – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

David Dunlop made a statement regarding Culverhay school – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Tony Crombie made a statement regarding Culverhay school and welcomed the Leader's intention to reverse the closure proposal.

Pamela Galloway made a statement regarding the 6/7 bus campaign – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

[At this point in the meeting, Councillor Colin Barrett declared a personal non-prejudicial interest as an honorary member of WWISE.]

Susan Charles made a statement regarding the benefits of warm water swimming for certain groups - – a copy of which is held on the Minute book and published on the Council’s website with the draft minutes of the meeting.

Tony Crombie made a statement regarding the Bath Recreation Ground, outlining the history of the covenant and calling for it to remain as an open space.

14 PLEDGE TO CHILDREN IN CARE

The Council considered a report regarding the Council’s pledge to Children in Care which had been updated to reflect new regulations and guidance which came into force on April 1st 2011 and asking the Council to reaffirm its commitment to the updated pledge following the election.

On a motion from Councillor Nathan Hartley, seconded by Councillor Chris Watt, and supported by Councillors Liz Hardman and Doug Deacon, it was

RESOLVED to approve the updated Bath and North East Somerset Council Pledge to Children and Young People in and moving on from Care.

15 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items from Councillors.

The meeting ended at 8.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	14th July 2011	
TITLE:	Bath Transport Package – Best & Final Bid to DfT	
WARD:	Various	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		

1 THE ISSUE

1.1 By the 9th September 2011 the Council has to submit a Best & Final Bid to DfT for the funding of the Bath Transport Package(BTP). The Council meeting on 14th July is the last opportunity to amend the transport policy to reflect what is likely to be included in the Best and Final Bid.

1.2 Following the Comprehensive Spending Review Department for Transport (DfT) have indicated that they wish to reduce costs, enhance value and improve deliverability of major transport schemes. DfT also wish to increase Local Authority contribution. In January DfT requested an ‘expression of interest’ from the Council for the Bath Package which proposed removing some parts of the package. Following recent Council elections further work has been undertaken to reduce the cost of the Package. This has resulted in the removal of the BRT and the A4 P&R from the BTP. The removal of these proposals are departures from the Council’s existing transport policy as set out in the Joint Local Transport Plan.

2 RECOMMENDATION

The Council agree as recommended by Cabinet that any amendments to the details of the scope and financial arrangements of the submission to DfT be approved by the Strategic Director Service Delivery and Strategic Director Resources, if necessary, in consultation with the Cabinet.

The Council agrees that the following elements of the BTP should not be included in the Best & Final Bid to DfT:

- 2.1 The Bus Rapid Transit Segregated Route
- 2.2 The A36 Lower Bristol Road Bus Lane
- 2.3 The A4 London Road Lambridge Bus Lane
- 2.4 New A4 Eastern P&R (1400 spaces), plus bus lane priority on the A4/A46 slip road

2.5 And in addition reduce the size of the P&R expansion at Newbridge.

As a result the BTP would comprise of the following elements:

- 2.6 Upgrades to bus stop infrastructure on 9 service routes, including real time passenger information.
- 2.7 Expansion of Odd Down P&R by 250 spaces, of Lansdown P&R by 390 spaces and of Newbridge P&R by about 250 spaces.
- 2.8 Variable Message signs on the main approaches to Bath, and within the city centre
- 2.9 City centre works: High Street improvements and timed access restrictions (currently ongoing)
- 2.10 Works to support BWR

As a result of the above the Cabinet are recommended at its meeting on 13th July to formally withdraw the CPOs which were approved at its meeting on 3rd September 2008 and subsequently served to allow for the implementation of the BTP.

Council agrees that the local contribution towards the BTP will be no more than £17.8m as set out in Section 3 below. The schemes costs as recommended in this report have been reduced from £58.8m to £34.3m.

In addition the Council agrees to:

- 2.11 instruct officers to work on alternatives to Bathampton Meadows P&R, possibly involving rail, as part of our future Transport Strategy
- 2.12 talk to Wiltshire Council and other authorities about measures to remove some of the through traffic along the London Road and other cross border transport issues
- 2.13 implement measures to remove HGVs from London Road - this 10% of traffic creates 40% of the pollution
- 2.14 instruct officers to examine how we can obtain substantial "modal shift" from the private car to rail in recognition of potential for rail expansion with the electrification of the GWR and the awarding of an extended rail franchise
- 2.15 instruct officers to evaluate options to address the problems caused by a lack of affordable home to school transport

3 FINANCIAL IMPLICATIONS

- 3.1 In January this year the Council submitted an 'expression of interest' to DfT which indicated that we would be prepared to make a local contribution for the BTP of £17.8m and this was subsequently earmarked in Council budgets as part of the budget setting report 2011/12. The Council contribution is included at this level within the current approved Capital Budget (Hard Coded and Italics) and included the revenue implications of the borrowing costs which are estimated to be £657,000 per annum. In submitting our Best & Final Bid later this year the Council

needs to reconsider the amount of its own contribution in the light of the significantly reduced scope and cost of the project i.e. without the BRT and A4 P&R.

3.2 As is indicated above DfT have emphasised that the projects in the Development Pool are in a highly competitive process where DfT wants to fund as many schemes as they can but can only do so if Local Authorities maximise their contributions. At a meeting with the Leader and Don Foster MP, Norman Baker Parliamentary Under Secretary of State for Transport, indicated his expectation that the local funding contribution to be committed in the Best & Final Bid would match the figure already stated in the Expression of Interest i.e. £17.8m. It is for the Council to decide what contribution to offer to DfT and given the reduced scope of the project (and net reduction in cost to DfT) a reduced Council contribution of less than £17.8m might be acceptable however this would appear to increase the risk of DfT rejecting the funding bid.

3.3 In the event of DfT not approving the scheme there would be a potential revenue reversion risk of commitments to date of up to £6.5m. This is a worst case scenario. There is a revenue reversion risk of up to £3.8m due to the deletion of the A4 P&R and the BRT (£1.3m & £2.5m respectively). Any revenue reversion would immediately fall as a charge to the Council's general fund balances which would then have to be repaid from the annual Council budget over a period of not more than three years.

4 CORPORATE PRIORITIES

- *Promoting the independence of older people*
- *Improving life chances of disadvantaged teenagers and young people*
- *Sustainable growth*
- *Improving the availability of Affordable Housing*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

5.1 Following the comprehensive spending review DfT confirmed that they wished to continue to fund the BTP by placing it within a 'Development Pool' with other projects. The number of projects was significantly increased earlier this year following submission of Expressions of Interests. (There is about £1bn available with all scheme costs in the pool totalling £1.5bn). There will be no other source of capital funding for Transport Improvements of this scale until the next Comprehensive Spending Review commencing 2015/16. Key to obtaining DfT approval will be the affordability of the project, its appraisal (value for money) and deliverability. Finally DfT have emphasised the competitive nature of this bidding round and are seeking to reduce the size of their contribution by increasing other sources particularly from Local Authorities.

5.2 The first stage of this review culminated in the Expression of Interest to DfT in January 2011. This excluded the A36 Bus Lane and Lambridge Bus lane from the BTP. The costs of these elements outweigh the benefits they deliver, and their removal will improve the benefit cost ratio for the remaining BTP. The A36 Bus Lane is a part of a long standing improvement line, which it is recommended we continue to protect through planning policy, and can be implemented in the future

should resources allow. The Lambridge Bus lane was particularly expensive (£1.2m for 190 metres) due to diversion of statutory services and the need to build an extension to the Lambrook Culvert. While the loss of this small bus lane is regrettable it is not considered justifiable in the current financial climate.

- 5.3 **BRT:** DfT have continued to challenge all elements of schemes especially when they are particularly expensive. The new administration has indicated their wish to delete the BRT from the BTP. The removal of the BRT segregated route which was subject to most objections would greatly improve the deliverability of the reduced BTP, a key DfT criteria. It would also reduce the cost of the project significantly. As a result the P&R service would have to continue to use the existing route along the Newbridge Road. This would reduce the reliability of this service and increase journey times as traffic levels increase. However DfT have now published new forecasts on which projects in the Development Pool will have to be modelled. This indicates that traffic levels will not grow as fast as previously predicted (as a result of the current economic downturn) and the running the P&R on Newbridge Road would not adversely impact on the benefit cost ratio for the BTP as a whole.
- 5.4 **Newbridge P&R expansion:** The original BTP proposed that Newbridge P&R should be doubled in size from 500 to 1,000 spaces. Last year an application to register some of the land on which this expansion would take place as a Town and Village Green (TVG) was made. The Inspector's report into this informal hearing is expected to be published soon and will then be considered by the Council's Public Rights of Way Committee. If this land is registered as a TVG it will prevent the implementation of the full expansion of the P&R. However as indicated above in paragraph 5.3 growth forecasts have been revised by DfT and a smaller expansion of the Newbridge P&R (less than the original 500 new spaces) would meet the likely demand in the short to medium term. The original expansion of Newbridge P&R also included a new traffic signal controlling access to and from the site. This required acquisition of a small parcel of land. However, should a negotiated settlement not be reached, a slight modification to the scheme design would allow implementation without acquisition of 3rd party land, and without material affect to operations or scheme benefits. It is recommended that this element is retained within the bid, on the assumption that CPO is not pursued for its delivery.
- 5.5 **A4 P&R site:** The site was selected after a thorough review of the alternatives and remains a deliverable location for this much needed facility. The new administration has indicated their wish to delete this element from the BTP. Its deletion from the BTP at this time might raise questions from DfT (and others) on the Council's core strategy for delivering economic and housing growth on key brown field sites in the city itself. There is a risk that DfT might, as a result, not fund the remaining elements of the project. However, given the relatively small amount of DfT funding required for the remaining elements, if the facility is not included, in our bid we might still be successful in December. Alternative P&R sites are being considered but it is not possible to include a credible or deliverable option within the bid in the very short timescale remaining.
- 5.6 **Bus Lane A4/A46 roundabout:** in the absence of the A4 P&R it is not clear that the bus lane on the A4/A46 roundabout can be justified as a stand alone proposal and it is not recommended to be included in the package.
- 5.7 **Third Party contributions:** The BTP assumed 2 sources of local contributions firstly £2.2m from BWR and secondly £2.9m from the P&R operator by way of new

buses. We will still need the contribution from Crest Nicholson to help provide a public transport solution to the development of this key site to reduce its impact on the local road network. The alternative transport interventions will need to be agreed with Crest Nicholson to secure these funds.

- 5.8 The contribution by way of new buses may now need to be reviewed. The reduction in the growth in the number of P&R spaces from 2,400 to 870 as now proposed may not allow this element of the project to be delivered. In addition there were a number of improvements to the highway proposed particularly in the city centre to assist in implementing the cross city P&R service which we need to review in developing our Best & Final Bid to DfT. This may further reduce the cost of the project.
- 5.9 **Deliverability and timescale:** The recommendations set out above presents an opportunity to implement the BTP **without the need for CPO or public inquiry**. This not only allows the BTP to be offered to DfT as a project 'ready to go' for which full approval could be given it but it would also significantly reduce costs to the Council by avoiding direct costs of CPO and inquiry, and the inflationary cost of delaying construction. The cost of the CPOs themselves would be avoided and earlier delivery would also avoid risks from inflation. These costs are estimated at £1.5m for a medium delay, excluding the baseline costs of construction.

6 RISK MANAGEMENT

- 6.1 DfT have made clear that they cannot afford all the projects within their Development Pool and that Local Authorities are in a competition for a limited amount of funding. Key criteria for DfT are the deliverability of the project, its benefit cost ratio and its affordability. The project has been significantly reduced in scope to comply with these criteria but there remains a risk that the project has changed to such an extent that it may not attract DfT funding.
- 6.2 As mentioned in paragraph 5.5 above we are reviewing the options for a new P&R to the east of the city. Sites have been considered in the past and one of the major constraints on locating a P&R further from the city is that operating cost will rise while patronage will fall, reducing revenues. In any event the development of a new P&R would need to be funded by the Council, without DfT support, as we cannot identify a deliverable site for this bid other than the previously approved site on the A4. In addition we would need to seek further planning permission(s) and acquire any such site.

7 EQUALITIES

- 7.1 We have provided to DfT an assessment of the Social and Distributional Impact of the proposed BTP albeit with the A4 P&R included. This gives an assessment of the impact on the package on low income and/or vulnerable groups. We will have to review this assessment when submitting our Best & Final Bid to DfT in September.
- 7.2 The initial assessment showed that the BTP will continue to provide improved access to the city for those on low incomes by improvements to the bus network. The expansion of P&R sites will improve access from rural areas to the city and its facilities.

8 RATIONALE

8.1 The transport problems faced by the City of Bath are well known. The Council has for many years implemented a policy of reducing traffic entering the city by providing P&R facilities while reducing the availability of parking in the city itself. The BTP, albeit in its reduced form, will continue this successful policy by expanding P&R facilities which are often at capacity. In addition the development of Showcase Bus routes as part of the package will continue to develop a high quality public transport network within the city.

9 OTHER OPTIONS CONSIDERED

9.1 The major option currently available to the Council is to retain the A4 P&R and associated bus lane within the BTP. The inclusion of this element would bring additional P&R capacity back up to over 2,200 for the city as a whole allowing projected demand to be met. These elements can be delivered without CPO or other statutory procedures. This would significantly reduce the amount of traffic entering the city from the east along an existing heavily congested corridor. It would also allow more city centre car parks to be redeveloped as part of the Council's core strategy. Removing the A4 P&R proposal reduces the cost of the project by £5.5m.

10 CONSULTATION

10.1 Cabinet members; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 The BTP has been the subject of considerable consultation over the last 3 years or more since DfT gave it initial approval in October 2007. Detailed discussions have been undertaken in developing the bid since the elections in May with Cabinet members. An informal workshop was held in June to discuss options taking the project forward.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Resources; Property;

12 ADVICE SOUGHT

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

Contact person	Peter Dawson x 5181
Sponsoring Cabinet Member	Councillor Symonds
Background papers	<ul style="list-style-type: none">• Major Scheme Business Case (MSBC) for BTP• Council approval March 2006 for submission of (MSBC)• Planning approvals & supporting documents• Expression of Interest• JLTP2 & 3
Please contact the report author if you need to access this report in an	

alternative format

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	14th July 2011
TITLE:	Call-in of Cabinet decision E2233 “Determination of the Statutory Notice to close Culverhay School” – referred to Council from Children and Young People’s Overview and Scrutiny Panel
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 Copy of Decision Register Entry Sheet for Decision E2233	
Appendix 2 and 2a Children’s Services Officers original report from the Weekly List dated 23 rd February 2011.	
Appendix 3 Original Call-in request signed by 18 Councillors from March 2011.	
Appendix 4 Constitutional rules relating to the call-in process	
Appendix 5 Terms of Reference for the Call-in as agreed at the Children and Young People Overview and Scrutiny Panel meeting on the 21 st March 2011	
Appendix 6 Minutes from the Children and Young People Overview and Scrutiny Panel meeting on the 21 st March 2011	
Appendix 7 Children’s Services Officers update report on options for the future of Culverhay School	

1 THE ISSUE

- 1.1 As part of the Council’s Constitution, Cabinet decisions that have been made but not yet implemented can be “called in” by a request from any 10 Councillors who are not part of the Cabinet. The call-in request is considered by the relevant Overview and Scrutiny Panel, who can decide whether to dismiss the call-in request, uphold it (ie: refer the decision back to the Cabinet for reconsideration) or refer the issue to Council to carry out the role of the Panel.
- 1.2 In late February 2011, a Cabinet decision was made about Culverhay School that was then called in during early March. The Children and Young People Overview and Scrutiny Panel considered the reasons for submitting the call-in request, with additional information and evidence, and decided to refer the call-in request to Council.
- 1.3 In carrying out the role of the Panel, the Council has to decide if the call-in request should be dismissed (i.e: allow the decision to proceed as originally set out) or upheld (referred back to the Cabinet for re-consideration in the light of reasons stated by Council).
- 1.4 As a result of the 2011 local elections, there has been a break in the usual call-in process and a change of Administration and Cabinet. The background to the review of Bath secondary schools and previous decisions made including the proposal to close Culverhay are set out in Appendix 7, together with information on the issues and risks associated with both the possible closure of Culverhay or its retention as part of secondary school provision in Bath.

2 RECOMMENDATION

- 2.1 In light of the reasons in the call-in request, and those expressed by the Children and Young People Panel when referring the issue to Council, Council is asked to decide to either;
- a) Dismiss the call-in request (in which case the decision can be put into action immediately); **OR**
 - b) Uphold the call-in request, and therefore refer the decision back to Cabinet for reconsideration, setting out the reasons why it has decided that the decision should be reconsidered.

3 FINANCIAL IMPLICATIONS

The call in process has no financial considerations

4 RISK MANAGEMENT

Not applicable

5 EQUALITIES

Equalities implications need to be taken into account in both the original and any reconsidered decision but are not applicable to the call in

6 BACKGROUND

- 6.1 Under the Council's Constitution, any 10 Councillors (not in the Council's Cabinet) may ask that a Cabinet or Single Member Decision is reconsidered by the person or body who made it. This request or "call-in" must be made during a 5 working day period immediately after the decision, and before it is put into action. If a call-in request is received, it then prevents any action being taken until the call-in request is considered by an Overview and Scrutiny Panel.
- 6.2 Decision E2233 "Determination of the Statutory Notice to close Culverhay School" was made on 23rd February 2011 and published on the Weekly List on the 25th February 2011 (Appendix 1) following consideration of the officer report (Appendix 2 and 2a). It was a Single Member Decision made by the then Cabinet Member for Children's Services (Councillor Chris Watt). This decision was part of a larger process regarding the future of secondary school provision in Bath and North East Somerset; more details can be found from the background papers mentioned at the end of this report.
- 6.3 A call-in request for this decision was made by 18 Councillors - received on 3rd March 2011 and validated on 4th March 2011. The Monitoring Officer, on behalf of the Chief Executive, validated the call-in and confirmed that it conformed to constitutional requirements in terms of time of receipt and number of Members validly subscribing to it. Appendix 3 sets out the reasons for the call-in request.
- 6.4 A call-in meeting was held by the Children and Young People Overview and Scrutiny Panel on the 21st March 2011, where the Panel considered the reasons for the call-in request that had been submitted, with additional information and evidence (see Appendix 6 – for the full minutes of this meeting). The Panel were asked to decide whether to uphold or dismiss the call-in request, or refer the issue to the Council to undertake the role of the Panel.
- 6.5 The Panel decided to refer the issue to the Council to undertake the role of the Panel for three reasons:

- (1) The Panel felt that a full Equalities Impact Assessment should have been carried out
- (2) The Panel were concerned that the parent survey should be validated by the Authority
- (3) That it was the wrong time in the electoral period for this decision to be made

7 PROCESS

7.1 To conduct the Panel's role in the call-in process, Council should

7.1.2 remind itself of the issues to be considered and consider any additional written information supplied;

7.1.3 adhere to the original terms of reference (including scope) of the consideration of the call-in request, as agreed by Children and Young People's Panel and set out in appendix 5;

7.1.4 debate and determine the Council's response to the referred "call-in" request in accordance with usual council procedures by making proposals and counter proposals in the form of motions and amendments; and

7.1.5 Decide to either

- a) Dismiss the call-in request, in which case the decision shall take effect immediately; OR
- b) Uphold the call-in request, and therefore refer the decision back to the decision-maker for reconsideration, setting out the reasons why it has decided that the decision should be reconsidered.

8 CONSULTATION

The Terms of Reference for consideration of the "call-in" request were drafted in consultation with the Chair and members of the Children and Young People Overview and Scrutiny Panel.

Contact person	Lauren Rushen, O&S Project Officer 01225 394456
Background papers	<p>Agenda and Minutes from the following meetings:</p> <ol style="list-style-type: none"> 1. Cabinet 21st July 2010 'Review of Secondary Schools in Bath' 2. Children and Young People Overview and Scrutiny Panel 10th August 2010 'call-in of Decision E2097 A Review of Secondary Schools in Bath' 3. Cabinet 18th August 2010 'Consideration of Call-in Referral' 4. Cabinet 25th November 2010 'Consultation on the Proposal to Close Culverhay' 5. Children and Young People Overview and Scrutiny Panel 14th December 'Call-in of Decision E2181 Consultation on the Proposal to Close Culverhay School' <p>Councils Constitution.</p>

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Single Member Cabinet Decision

**Executive
Forward Plan
Reference**

E2233

Determination of the Statutory Notice to Close Culverhay School

Decision maker/s	Cllr Chris Watt, Cabinet Member for Children's Service
The Issue	The six week representation period for the statutory notice published on 16th December 2010 proposing the closure of Culverhay School ended on 27th January 2011 and a decision is now required to determine the proposal.
Decision Date	23/02/2011
The decision	The Cabinet Member agrees that: Culverhay School shall close on 31 st August 2014 and there shall be no admissions to Year 7 in September 2012 and beyond.
Rationale for decision	<p>Closing Culverhay as part of the overall plan for Bath is considered to be the best way to address the key challenges identified through the course of the review process. In particular it would:</p> <p>Reduce the total number of schools from seven to six, removing surplus places and making better use of resources and reflecting the current and future need in Bath.</p> <p>Reduce the number of single sex places by closing a school that is not in demand from parents.</p> <p>Facilitate the creation of schools which are of a more viable size to be educationally and financially secure.</p> <p>Result in the retention of one single sex girls school and one single sex boys school to provide choice for parents and ensure diversity.</p> <p>Provide a wider range of opportunities at larger schools for pupils who would have attended Culverhay with the potential to achieve higher standards in these schools.</p> <p>In selecting Culverhay as the school proposed for closure, it should be noted that:</p> <p>It has the lowest level of attainment in Bath secondary schools.</p> <p>It is a National Challenge School with a relatively low percentage of students gaining 5 A*-C with English and Maths.</p> <p>It has a large number of surplus places – 49% based on the October 2010 School Census data. Department for Education (DfE) School Organisation guidance states that where a school has at least 30 and 25% or more unfilled places and where standards are low compared to the rest of the Local Authority, closure proposals in order to remove</p>

	<p>surplus places should normally be approved.</p> <p>Two out of three boys who live closer to Culverhay than any other school already choose schools further away.</p> <p>The community is relatively close to alternative schools.</p> <p>The cost of educating each pupil is high.</p> <p>All representations received during the representation period have been taken into consideration in reaching this decision and have contributed to the overall decision making process. The 41 objections to the proposal received during the representation period covered the same key issues that emerged in the statutory consultation and call in and did not raise any substantive new issues.</p> <p>In consideration of this proposal regard has been had to DfE statutory requirements. The sufficiency and quality of the statutory consultation has been taken into consideration as part of the overall determination of the proposal and the Decision Maker is satisfied that the consultation meets the DfE statutory requirements.</p> <p>The concerns raised in the objections to the proposal do not outweigh the benefits that can be achieved by closing the school in order to address the important key challenges and issues as outlined above. Concerns expressed about any potentially negative effects of the proposal will be addressed carefully and thoroughly via the transition process.</p>
<p>Financial and budget implications</p>	<p>Revenue</p> <p>The current Dedicated Schools Grant (DSG) allocation per pupil (2010-11) is £4,203 per pupil. Funding allocations to schools average approximately £3,890 leaving £313 per pupil used on services supporting schools as determined by the Schools Forum.</p> <p>All schools are funded through the Local Management of Schools (LMS) formula which dictates how resources are provided for each school. The main principle is that resources follow the pupil. If Culverhay is closed, approximately £968,000 of funding would follow the Culverhay pupils to the schools to which they transfer. Culverhay currently is allocated £1.498m per annum which would leave approximately £530,000 to be re-distributed by the Schools Forum on schools' priorities across Bath and North East Somerset.</p> <p>The school currently has tenants for some areas of the site. The income from these rentals supports the school on top of the LMS formula allocation.</p> <p>There are currently 10 pupils with statements of special educational needs (SEN) at the school. None of these pupils currently receive assistance with travel as a result of their SEN statement but may receive assistance under other school transport policies.</p> <p>The average cost of a taxi route with guide escort is £7,500. Route planning can enable a shared route to support pupils in need of transport. The closure of Culverhay, together with other planned</p>

	<p>changes to Bath secondary schools, is not expected to result in a significant change in costs associated with transport.</p> <p>The cost of uniforms can be expensive and pupils moving schools could need a significant change in uniform requirements. The national average for secondary boys uniform is estimated at £191 per annum. If a child is in receipt of free school meals schools often provide support to the parents or carers to purchase uniforms. The movement of whole year groups between schools will create a significant financial burden and therefore DSG budget resources will be used to support the supply of uniforms for all pupils in those year groups, which are expected to be in the region of a maximum of 80 pupils in total.</p> <p>The closure of Culverhay would result in additional costs associated with the closure. The main costs would be potential redundancy costs of staff at Culverhay. It is anticipated that some of the staff will transfer to other schools at various points during a managed transition process. However there would be likely to be a number of staff who would not be able or willing to transfer to other schools and on the closure of the school would be entitled to redundancy payments. The Local Authority would endeavour to use its redeployment processes to limit the numbers affected by redundancy.</p> <p>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.</p> <p>Capital</p> <p>The closure of Culverhay would reduce the ongoing maintenance costs of the schools estate as a whole. It is estimated that the cost of addressing maintenance items over the next ten years would be £700,000 with a total of £250,000 required in the next three years to address the most pressing items. The sale of the site would provide a capital receipt to invest in other schools. It is estimated that the Culverhay school site could release approximately £6m-£8m.</p> <p>In order to accommodate displaced pupils at another school as part of the transition, additional accommodation would be required. It is anticipated that some additional accommodation would be needed at Beechen Cliff School and £200,000 has been allocated to the school for this purpose. This capital would be allocated from the 2011-12 Children's Service capital programme.</p>
<p>Issues considered</p>	<p>Social Inclusion; Sustainability; Human Resources; Property; Young People; Equality (age, race, disability, religion/belief, gender, sexual orientation); Corporate; Health & Safety; Impact on Staff; Other Legal Considerations.</p>
<p>Consultation undertaken</p>	<p>Ward Councillors; Cabinet members; other B&NES Councillors, Parish Council; Trades Unions; Overview & Scrutiny Panel (Chair); Staff; Other B&NES Services; Service Users; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.</p>

<p>How consultation was carried out</p>	<p>An extensive public consultation exercise was undertaken between September and October 2010 including the distribution of approximately 13,000 copies of a consultation document outlining the proposal issued to parents of all pupils at Bath schools and other stakeholders including neighbouring local authorities and the Anglican and Roman Catholic Dioceses. Public consultation meetings were held at the school on Thursday 14th October and at the Guildhall on Wednesday 20th October 2010. Meetings were also held with the school staff and the school Governing Body.</p> <p>The consultation document was also made available electronically on the Council website and an electronic consultation response system was set up to allow stakeholders to read the document on line and submit a response via this method if they wished. This electronic response facility was mentioned in the paper consultation document as another way in which comments could be submitted. Stakeholders could also submit their comments via letter or email.</p> <p>The statutory notice was published in The Bath Chronicle and posted outside all of the school entrances and placed in the window of the Co-operative supermarket in the Mount Road shopping area nearby. A copy of the complete proposal and statutory notice was given to the Culverhay Governing Body and to the Headteacher, the local Anglican Diocese, the local Roman Catholic Diocese, other neighbouring Local Authorities, the Young People’s Learning Agency and the Secretary of State. The notice and the complete proposal were also placed on the Council website and the web address was printed in the statutory notice.</p> <p>The notice stated that comments or objections needed to be submitted within six weeks of the publication date and that they should be sent to the Local Authority. Representations could also be submitted by email.</p>
<p>Other options considered</p>	<p>Two other options were proposed, one from a parent group and the other from Culverhay itself.</p> <p>Option 1: Retain seven schools and achieve a reduction in surplus places by reducing the Planned Admission Numbers (PAN) at all Bath secondary schools to 160 except Culverhay and St Mark’s which would remain at 102. Culverhay and Oldfield would be co-educational schools.</p> <p>Option 2: Retain Culverhay as a co-educational academy in partnership with Bath Spa University with the possibility of an all through school for age range 2-19.</p> <p>Neither of these options would address the key challenges identified through the course of the review process and following consideration and evaluation against key criteria, neither option proved achievable.</p>

<p>Signatures of Decision Makers</p>	
<p>Date of Signature</p>	

Subject to Call-in until 5 Working days have elapsed following publication of the decision

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Bath & North East Somerset Council		
DECISION MAKER:	Cllr Chris Watt, Cabinet Member for Children's Service	
DECISION DATE:	On or after 19th February 2011	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
		E 2233
TITLE:	Determination of the Statutory Notice to Close Culverhay School	
WARD:	All but specifically Southdown, Odd Down, Twerton	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 Summary of Representations Received and Commentary		

1 THE ISSUE

1.1 The six week representation period for the statutory notice published on 16th December 2010 proposing the closure of Culverhay School (Culverhay) ended on 27th January 2011 and a decision is now required to determine the notice.

2 RECOMMENDATION

The Cabinet member is asked to:

2.1 Consider and note the objections received to the statutory notice.

2.2 Approve the proposal to close Culverhay School on 31st August 2014 and agree that there should be no admissions to Year 7 in September 2012 and beyond.

3 FINANCIAL IMPLICATIONS

Revenue

- 3.1 The current Dedicated Schools Grant (DSG) allocation per pupil (2010-11) is £4,203 per pupil. Funding allocations to schools average approximately £3,890 leaving £313 per pupil used on services supporting schools as determined by the Schools Forum.
- 3.2 All schools are funded through the Local Management of Schools (LMS) formula which dictates how resources are provided for each school. The main principle is that resources follow the pupil. If Culverhay is closed, approximately £968,000 of funding would follow the Culverhay pupils to the schools to which they transfer. Culverhay currently is allocated £1.498m per annum which would leave approximately £530,000 to be re-distributed by the Schools Forum on schools' priorities across Bath and North East Somerset.
- 3.3 The school currently has tenants for some areas of the site. The income from these rentals supports the school on top of the LMS formula allocation.
- 3.4 There are currently 10 pupils with statements of special educational needs (SEN) at the school. None of these pupils currently receive assistance with travel as a result of their SEN statement but may receive assistance under other school transport policies.
- 3.5 The average cost of a taxi route with guide escort is £7,500. Route planning can enable a shared route to support pupils in need of transport. The closure of Culverhay, together with other planned changes to Bath secondary schools, is not expected to result in a significant change in costs associated with transport.
- 3.6 The cost of uniforms can be expensive and pupils moving schools could need a significant change in uniform requirements. The national average for secondary boys uniform is estimated at £191 per annum. If a child is in receipt of free school meals schools often provide support to the parents or carers to purchase uniforms. The movement of whole year groups between schools will create a significant financial burden and therefore DSG budget resources will be used to support the supply of uniforms for all pupils in those year groups, which are expected to be in the region of a maximum of 80 pupils in total.
- 3.7 The closure of Culverhay would result in additional costs associated with the closure. The main costs would be potential redundancy costs of staff at Culverhay. It is anticipated that some of the staff will transfer to other schools at various points during a managed transition process. However there would be likely to be a number of staff who would not be able or willing to transfer to other schools and on the closure of the school would be entitled to redundancy payments. The Local Authority would endeavour to use its redeployment processes to limit the numbers affected by redundancy.
- 3.8 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.

Capital

- 3.9 The closure of Culverhay would reduce the ongoing maintenance costs of the schools estate as a whole. It is estimated that the cost of addressing maintenance items over the next ten years would be £700,000 with a total of £250,000 required in the next three years to address the most pressing items. The sale of the site would provide a capital receipt to invest in other schools. It is estimated that the Culverhay school site could release approximately £6m-£8m.
- 3.10 In order to accommodate displaced pupils at another school as part of the transition, additional accommodation would be required. It is anticipated that some additional accommodation would be needed at Beechen Cliff School and £200,000 has been allocated to the school for this purpose. This capital would be allocated from the 2011-12 Children's Service capital programme.

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

- 5.1 Following a public consultation exercise in October 2010, Cabinet decided in November 2010 to publish a legal notice proposing the closure of Culverhay. The detailed arguments for the proposed closure of the school are set out in the 25th November 2010 Cabinet report 'A Review of Secondary Schools in Bath-Consultation on the proposal to close Culverhay School'.
- 5.2 The Cabinet resolution of 25 November 2010 was subject to a call in, which was considered by the Children & Young People's Overview and Scrutiny Panel on 14 December 2010. The Panel resolved to dismiss the call in.
- 5.3 The statutory notice to close Culverhay was published on 16 December 2010. There followed a representation period of 6 weeks which closed on 27 January 2011. During the representation period which provided stakeholders with a final opportunity to submit any further comments or objections they may have to the proposal, a total of 41 representations were received, all of which were objecting to the proposal. These were submitted by a range of stakeholders including parents of pupils at the school, pupils, school staff, the Governing Body, primary age pupils, local residents and local Councillors.
- 5.4 The main factors on which this consideration is based are set out in Appendix 1. This contains a summary of representations received during the representation period and a commentary on them. All representations received during the

representation period were made available to the Cabinet member exactly as submitted in order to help inform the decision.

6 RISK MANAGEMENT

6.1 The report author and 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.

7 EQUALITIES

A proportionate equalities impact assessment has been carried out using corporate guidelines.

7.1 The proposal as part of the plan for Bath 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 Closing Culverhay as part of the overall plan for Bath is considered to be the best way to address the key challenges identified through the course of the review process. In particular it would:

- Reduce the total number of schools from seven to six, removing surplus places and reflecting the current and future need in Bath.
- Reduce the number of single sex places by closing a school that is not in demand from parents.
- Facilitate the creation of schools which are of a more viable size to be educationally and financially secure.
- Result in the retention of one single sex girls school and one single sex boys school to provide choice for parents and ensure diversity.
- Provide a wider range of opportunities at larger schools for pupils who would have attended Culverhay with the potential to achieve higher standards in these schools.

8.2 In selecting Culverhay as the school proposed for closure, it should be noted that:

- It has the lowest level of attainment in Bath secondary schools.
- It is a National Challenge School with a relatively low percentage of students gaining 5 or more A*-C with English and Maths.
- It has a large number of surplus places – 49% based on the October 2010 School Census data. Department for Education (DfE) School Organisation guidance states that where a school has at least 30 and 25% or more

unfilled places and where standards are low compared to the rest of the Local Authority, closure proposals in order to remove surplus places should normally be approved.

- Two out of three boys who live closer to Culverhay than any other school already choose schools further away.
- The community is relatively close to alternative schools.
- The cost of educating each pupil is high.

8.3 The rationale for closing Culverhay is also set out in detail in the Complete Proposal document which is published on the Local Authority website.

8.4 The 41 objections to the proposal received during the representation period as outlined in Appendix 1 cover the same key issues that emerged in the statutory consultation and call in and do not raise any substantive new issues. All representations received during the representation period have been taken into consideration as a part of the overall decision making process. The concerns raised in the objections to the proposal do not outweigh the benefits that can be achieved by closing the school in order to address the important key challenges as outlined above. Concerns expressed about any potentially negative effects of the proposal will be addressed carefully and thoroughly via the transition process.

9 OTHER OPTIONS CONSIDERED

9.1 The consultation document asked parents and other consultees to suggest other options for delivering the plan for Bath without closing Culverhay. Two options were proposed, one from a parent group and the other from Culverhay itself.

9.2 Option 1 - Retain seven schools and achieve a reduction in surplus places by reducing the Planned Admission Numbers (PANs) at all Bath secondary schools to 160 except Culverhay and St Mark's Church of England School which would remain at 102. Culverhay and Oldfield Academy would be co-educational schools.

9.3 Option 2 - Retain Culverhay as a co-educational academy in partnership with Bath Spa University with the possibility of an all through school for age range 2-19.

9.4 Neither of these options would address the key challenges identified through the course of the review process and following consideration and evaluation against the key criteria as shown below, neither option proved achievable.

9.5 Key criteria for evaluating other options:

- How they would contribute to improving educational standards.
- The extent to which they maintain choice and diversity but meet parental demand for church and co-educational places.
- Whether proposals would enable young people to access a local school and reduce travel across the city.

- The level of support expressed by parents and wider stakeholders.
- Whether it will lead to a more efficient use of resources including a reduction in surplus places.

9.6 Option 1

Retain seven schools and achieve a reduction in surplus places by reducing the Planned Admission Numbers (PANs) at all Bath secondary schools to 160 except Culverhay and St Mark's Church of England School which would remain at 102. Culverhay and Oldfield Academy would be co-educational schools.

Advantages

- 9.7 It is clear from the well presented and argued submission from the parent group that a considerable amount of thought and effort has gone into the preparation of the proposal document, a copy of which has been provided to the Cabinet member. The proposal would achieve some reduction in surplus places (a reduction from 1,073 places for admissions in 2011 to 1,004 would result in 69 less places per year group) but without removing a school from its local community. The proposers have undertaken a survey of parents at 6 local primary schools to identify the support for Culverhay becoming co-educational and have suggested that this shows that a potential 535 pupils would attend Culverhay if it was co-educational, although it was not possible to accurately identify the children's ages and therefore the number who might attend at any one time.
- 9.8 Retaining seven schools with both Culverhay and Oldfield Academy as co-educational schools would meet parental demand for co-educational places whilst choice and diversity would be maintained through the continued availability of single sex places at Hayesfield School and Beechen Cliff School with St Gregory's Catholic College and St Mark's Church of England School as church schools.
- 9.9 There is the potential to improve standards through the introduction of girls who currently do not have this choice and traditionally perform better than boys, which could have a positive impact on standards overall at the school. The proposal also argues that although it would become co-educational, Culverhay, by retaining a PAN of 102 would remain a small school enabling 'every child to be looked after individually' with a positive effect on achievement and attainment.
- 9.10 However whilst remaining a small school the increased numbers at the school if admissions were in line with the proposed PAN of 102 would reduce the need for 'small school' financial support currently received by Culverhay under the funding formula contributing to the efficient use of resources.
- 9.11 Finally, the retention of Culverhay together with a co-educational Oldfield Academy would reduce travel by providing a local co-educational option for pupils from north west and south west Bath who currently have to travel from these areas.
- 9.12 It has been clear during the consultation processes that people feel strongly about the retention of their local school when it appears to be under threat of closure.

This has been evident in all affected areas but most particularly within the communities of south west Bath in the latest consultation.

Disadvantages

- 9.13 It can be seen that this option does in part meet some of the criteria set out in 9.5 but it is based on the principle of reducing surplus places by reducing pupil numbers at other schools. The Council proposal following the closure of Culverhay would provide 953 places at six schools which is assessed to be sufficient to meet projected need for the next 10 years. This allows a level of surplus in the short term which is not excessive but is sufficient to meet additional demand that may arise including from new housing. The alternative proposal therefore needs to be assessed in the context of a projected requirement for 953 places in Bath.
- 9.14 It is notable that the parent group argue that, whilst proposing a uniform PAN of 160 for other schools and maintaining that a co-educational Culverhay would be very popular and meet local demand, they propose retaining a PAN of 102 with a similar PAN at St Mark's Church of England School. This would be lower than the minimum desirable size of 120 for a secondary school, as set out in the Council's School Organisation Plan which provides the framework for pupil place planning. If it is accepted that both Culverhay and St Mark's Church of England School should therefore have minimum PANs of 120 this would leave 713 (953 – 240) places to be shared equally between the remaining 5 schools meaning a PAN of 143 rather than 160 would be required for Beechen Cliff School, St Gregory's Catholic College, Hayesfield School, Oldfield Academy and Ralph Allen School.
- 9.15 Whilst the decision could be taken to retain seven schools, the Council cannot reduce PANs at foundation or voluntary aided church schools without the agreement of the governors. All of the schools which would have a reduced PAN are in this category and the governing bodies of these schools were asked for their views on the likelihood that they would accept a) a reduced PAN of 160 as suggested by the parent group and b) a reduced PAN of 143 as would be required if sufficient surplus places are to be removed in line with the Council plan.
- 9.16 Responses from the governing bodies are unanimous in indicating that any proposal to reduce PANs in this way would not deliver on the overall aims of the strategy and would not be supported.
- 9.17 The proposal to reduce surplus places by reducing PANs at other Bath schools is not supported by the other schools. The level of reduction in PANs required to achieve the planned reduction in surplus places could lead to financial difficulties for those schools potentially leading to staff redundancies. In addition any reduction would mean reducing parental choice and suppressing access to popular and successful schools with high educational standards. The proposal does not reflect the views of parents expressed during the initial consultation on the plan for Bath which showed that 72% were in favour of reducing from seven schools to six to remove surplus places. Culverhay would remain a small school with the associated issues regarding the range of opportunities available to students, cost per pupil, etc. The proposal is also contrary to Government announcements on the need to expand popular and high performing schools.

9.18 The price of retaining seven schools would be less efficient use of resources, removing the opportunities for re-investing schools funding to improve standards across the area.

9.19 Ultimately it is not evident that retaining seven schools with reduced PANs is achievable, nor that it would ensure that they are all financially and educationally robust in the medium/longer term.

9.20 Option 2

Retain Culverhay as a co-educational academy in partnership with Bath Spa University with the possibility of an all through school for age range 2-19

9.21 This proposal from the school builds on its long standing relationship with Bath Spa University which has leased a teaching block on the school site for some years. The proposal would extend and develop the existing partnership which sees the school and the University working collaboratively as part of their student PGCE's teacher training. The school proposes that the site could be reconfigured so that the University would be at the heart of the campus rather than in an isolated block. The proposal states *'In partnership we would develop classroom environments which would be shared accommodation, equipped to the highest specification with the technology to deliver outstanding, specialist secondary education. This accommodation would benefit BSU teachers, as they learn the skills of the classroom and the children and young people who come to learn at the academy.'*

9.22 This option also suggests the possibility of an 'all through' school which would see a local primary relocate to the Culverhay site which *'if the nursery already on site were incorporated, would create an academy serving children from 2 to 19. This development would potentially allow BSU to deliver their PGCE programmes at primary and secondary levels from the heart of the school, transforming opportunities for children and young people.'*

9.23 Finally, Culverhay is also developing an educational partnership with the Cabot Learning Federation (CLF) in Bristol. The proposal identifies that the CLF has a track record of driving up standards and has the potential to make a significant improvement in standards at Culverhay replicating its success in Bristol.

9.24 This proposal assumes that the school would be successful in achieving academy status, which would be dependent on Department for Education (DfE) approval.

Advantages

9.25 As with Option 1 the proposal does have the capacity to meet some of the key criteria of the plan for Bath. It could contribute to a reduction in surplus places if it is assumed that the school is proposing a PAN of 102 for secondary pupils. It would offer more co-educational places whilst maintaining choice and diversity, should have a positive effect on standards at Culverhay, reduce small school financial support and reduce travel by providing a local co-educational school for the community around Culverhay. It is an innovative proposal as there are less than 40 'all through' schools in England, the majority of which are academies.

9.26 Bath Spa University have indicated an interest in continuing to develop their partnership with the school. The proposal has the support of Culverhay's governors and, by developing a co-educational school on the site, fits with the views expressed by many local families.

Disadvantages

9.27 The proposal sets out broad principles and aims but does not necessarily provide detail of how these would be achieved. It does not provide an alternative proposal for a school closure and so relies on the same scenario described in Option 1 above for reduced PANs across Bath.

9.28 There is no evidence of governing body support for this proposal from a local primary school. The Headteacher of Southdown Infant school has indicated that she was supportive of the option. However, there has been no consideration of the transfer of both Southdown Infant school and Southdown Junior school to the Culverhay site should Culverhay close. This would require consultation with the governing bodies of both schools to identify the level of support for this option. Southdown Infant and Southdown Junior schools, which are closest to Culverhay, could be invited to propose a new primary school on the Culverhay site which would replace these schools. A feasibility study would be required to assess whether the Culverhay site is large enough to accommodate pre-school provision, a primary school, a co-educational secondary school with additional pupils if admissions are at the level of the PAN, as well as expansion by the university. There is no indication as to how the building of a new primary school would be funded but presumably the sale of the two Southdown sites could be considered to generate a capital receipt. There would be a borrowing requirement on the Council in advance of this as the site could not be sold until the schools had relocated to new accommodation on the Culverhay site.

9.29 Although the school's proposal for academy status and partnerships to create a 2-19 campus adds some additional benefits to the basic proposal for reduced PANs across the city, the same advantages and disadvantages largely apply, as described under option 1 above.

9.30 Whilst the decision could be taken not to close Culverhay, there would be a number of further processes and decisions required to achieve the school's vision, requiring the agreement of other schools and organisations. Whilst some have expressed support in principle, it is not evident that there is sign up for the local primary school changes required and the other secondary schools have indicated that they would not agree to reduced PANs.

9.31 Although this proposal could provide an alternative way to address standards and surplus places at Culverhay itself and would be a locally popular solution with increased choice and reduced impact on travel, it would not address efficient use of resources across the city or provide the same opportunities for re-investing schools funding to improve standards across the area.

9.32 It is not evident that retaining seven schools with reduced PANs is achievable, nor that it would ensure that they are all financially and educationally robust in the medium/longer term.

9.33 Since the end of the representation period, we have been made aware of a group proposing the creation of a 'Free School' on the Culverhay site. The DfE is encouraging parents and others to propose Free Schools where there is unmet demand. It will be for the DfE to consider any such proposal to determine its merits. In essence the proposal appears to be about a co-educational secondary academy on the Culverhay site, which would effectively be the same approach as Option 1 above. Following the rationale set out in section 8 above and in line with the evaluation of Option 1, above, there is no reason for the Council to take further account of this alternative proposal for the future of the site/school in determining the statutory notice proposing closure.

10 CONSULTATION

10.1 Ward Councillors; Cabinet members; other B&NES Councillors, Parish Council; Trades Unions; Overview & Scrutiny Panel (Chair); Staff; Other B&NES Services; Service Users; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.

10.2 An extensive public consultation exercise was undertaken between September and October 2010 including the distribution of approximately 13,000 copies of a consultation document outlining the proposal issued to parents of all pupils at Bath schools and other stakeholders including neighbouring local authorities and the Anglican and Roman Catholic Dioceses. Public consultation meetings were held at the school on Thursday 14th October and at the Guildhall on Wednesday 20th October 2010. Meetings were also held with the school staff and the school Governing Body.

10.3 The consultation document was also made available electronically on the Council website and an electronic consultation response system was set up to allow stakeholders to read the document on line and submit a response via this method if they wished. This electronic response facility was mentioned in the paper consultation document as another way in which comments could be submitted. Stakeholders could also submit their comments via letter or email.

10.4 The statutory notice was published in The Bath Chronicle and posted outside all of the school entrances and placed in the window of the Co-operative supermarket in the Mount Road shopping area nearby. A copy of the complete proposal and statutory notice was given to the Culverhay Governing Body and to the Headteacher, the local Anglican Diocese, the local Roman Catholic Diocese, other neighbouring Local Authorities, the Young People's Learning Agency and the Secretary of State. The notice and the complete proposal were also placed on the Council website and the web address was printed in the statutory notice.

10.5 The notice stated that comments or objections needed to be submitted within six weeks of the publication date and that they should be sent to the Local Authority. Representations could also be submitted by email.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Sustainability; Human Resources; Property; Young People; Equality (age, race, disability, religion/belief, gender, sexual orientation); Corporate; Health & Safety; Impact on Staff; Other Legal Considerations.

12 ADVICE SOUGHT

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

Contact person	Helen Hoynes 01225 395169
Background papers	<p>25th November 2010 Cabinet report 'A Review of Secondary Schools in Bath–Consultation on the proposal to close Culverhay School': http://democracy.bathnes.gov.uk/mgConvert2PDF.aspx?ID=3162</p> <p>Statutory Notice and Complete Proposal to Close Culverhay School: www.bathnes.gov.uk/educationandlearning/Schoolsandcolleges/Pages/CulverhaySchoolProposalandStatutoryNotice.aspx</p>
Please contact the report author if you need to access this report in an alternative format	

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Determination of the Statutory Notice to Close Culverhay

Executive Forward Plan Reference E2233

Appendix 1

Summary of Representations Received and Commentary

Improved Educational Standards

Culverhay had the top CVA score in B&NES in 2010.

It is a successful school and has top class value-add for its pupils year after year.

Culverhay has the highest success rate in the area for Value added education and is in an area where this type of education does much more good than any other style of teaching.

Culverhay had the biggest positive effect on its pupils of all the schools in Bath last year.

GSCE results at Culverhay are high.

Culverhay had the third highest score in the area for the percentage of pupils which scored five or more A to C grades at the end of Year 11.*

What proof is there that those students from the Whiteway/Twerton area who go to other schools actually get the 5 A- C with M&E or actually do any better than Culverhay in GCSE results? (or would do better by going to these schools)?*

Closing Culverhay would have an adverse effect on the surrounding area and it's children. The closure of Culverhay will cause many more repercussions to the area than closing St Marks or Oldfield, thus costing the local authority more in the long run.

Closing Culverhay will be just a further "nail in the coffin", by denying the young people in Bath the opportunity to improve their educational prospects.

The education and chances of many deserving children, both male and female will have to be sacrificed.

Closing the school will have the opposite effect to improving standards.

It has been suggested on many occasions that boys would in fact gain a better education elsewhere - this is unfair and untrue.

A small school is good.

Pupils at Culverhay make good progress as shown by analysis of 'contextual value added' progress from Key Stage 2 to Key Stage 4. However, in relation to overall actual attainment (the qualifications achieved at age 16), standards remain below national averages. Over the last four years, the proportion of pupils who have achieved 5 or more A* - C GCSEs including English and Maths at Culverhay has consistently fallen below other local schools. In 2009, 41% of Culverhay pupils achieved at this level (its best performance in recent years), but this should be viewed in the context of the national average of 50.7% and the Bath and North East Somerset average of 59.9%. The figures for 2010 show that 31% of Culverhay pupils achieved at this level. With year groups of approximately 50 pupils it is difficult for Culverhay to provide the range of opportunities to best meet the needs of all pupils. Other larger schools in Bath have the potential to provide a wider range of opportunities and for pupils who would have attended Culverhay to achieve higher standards in these schools.

The type of schools in Bath are similar and all strive to produce the same type of education. There is a real lack of an alternative vocational education in this area, this discriminates against abilities of technical and artistic types. How are we educating those who do not want to go to university and want to find employment?

All schools in Bath are comprehensive schools meaning that they do not select using a measure of academic achievement and cater for all pupils, regardless of their ability.

The proportion of students who have a statement of special educational needs is more than double that found in other schools nearby. Nevertheless, after five years at Culverhay these same boys achieve above the national average.

Culverhay currently has 10 pupils with statements of Special Education Needs (SEN) and is not exceptional in terms of either numbers of statemented pupils or its experience in supporting them. Pupils with SEN are expected to receive the support they need regardless of the school they attend.

Choice and Diversity and Equal Opportunities

St Mark's is remaining open simply because it is a Church School and will not generate any money from its closure.

Merge Culverhay and St Marks, make the new school non-faith specific and change the name to a non-faith name.

There is not the demand for a Church of England based secondary school.

Culverhay should be made co-educational and St Marks closed.

This seems a seriously missed opportunity to rationalise secondary school provision into 4 co-ed schools in the 4 main quadrants of the city, with 2 single-sex schools near the centre.

The plan for Bath will ensure choice and diversity and meet parental demand by continuing to provide the option of single sex schooling for boys and for girls and co-educational church school places and by increasing the provision of co-educational non-church school places in the city.

Parents living close to Culverhay already have to choose other schools for their daughters. Although they would no longer be able to send their sons to Culverhay, they will in future have increased access to co-educational provision for their children should they wish it as Oldfield Academy is to become co-educational and will start admitting boys to Year 7 in 2012. Also to another boys school - Beechen Cliff – should they prefer single sex provision.

When considering re-organisation proposals, Local Authorities are required to have regard to the need to consider the balance of denominational (church) and non-denominational places that currently exists in an area. In order to maintain choice and diversity, the existing balance of places should be retained.

Ensuring Travel Distances are Minimised

Boys won't go to the other schools as they will have to travel further.

There will be a negative impact on the transport network.

It will increase the traffic on the road as currently a significant number of pupils walk to school.

No one has given the figures of how much more it will cost to transport pupils around the City.

Other non-denominational schools are at least 50 minutes walk away. There are no direct bus routes.

The remaining secondary school options open to children in the Southdown/Twerton area of the city are not suitable for the majority of the population, either because they are faith-based or because they are located in excess of 2 miles from the area, with no regular public transport available.

Parental participation in their children's education is likely to be badly affected by shipping young people to schools well out of their community.

It is acknowledged that there would be an adverse travel impact for some families who live close to Culverhay. However, if Culverhay

closes, boys from the local area coming into Year 7 in 2012 would be able to apply to Beechen Cliff School (boys), Oldfield Academy (co-educational), Ralph Allen School (co-educational), St Gregory's Catholic College (co-educational) or St Mark's Church of England School (co-educational). It is anticipated that as more pupils choose their local school (especially a co-educational school at Oldfield Academy) rather than travel greater distances to other schools as at present, pressure on places at Beechen Cliff School (for boys) and Ralph Allen School (boys and girls) would reduce, making them more accessible to pupils from this area. The alternative schools closest to Culverhay that will admit boys – St Gregory's Catholic College, Ralph Allen School, Beechen Cliff School and Oldfield Academy - are all popular and successful schools with good results and good or outstanding Ofsted ratings.

An analysis of walking routes to school for pupils living in the community close to Culverhay suggests that all households should have boys, girls and co-educational schools within three miles and most addresses are within 2.3 miles of the nearest suitable alternative to Culverhay accessed along safe walking routes. The 'Halfpenny Bridge' that spans the Avon between Fielding's Road and Locksbrook has been assessed as a safe walking route for pupils to walk to Oldfield Academy from the area close to Culverhay. It is anticipated that the majority of pupils will walk or cycle, with the possibility that a smaller number travelling slightly longer distances would use public transport (buses) or cycle.

It is anticipated that as more pupils across Bath choose their local school, especially pupils in the north-east of the city choosing a co-educational place at Oldfield Academy, rather than travelling greater distances to other schools as at present, there should be a reduction overall in travel across the city.

Pupils from disadvantaged groups such as those with SEN, children in receipt of free school meals or from low income households in receipt of the maximum Working Tax Credit allowance would be able to access support for home to school transport in line with Local Authority published policies.

Increased costs to parents due to uniform costs and travel costs.

The Local Authority will provide a fund for the purchase of new school uniforms for the pupils in those year groups that will be displaced by the closure of Culverhay.

Level of Support Expressed by Parents and Wider Stakeholders

Culverhay is the only school which has positively supported the desire of the Bath populous for more non-denominational co-educational school places.

Girls want to attend this school (Culverhay), their parents want them to, it is their most local school.

Culverhay should be a co-educational school – it is the preferred option of many and would fill up if it was.

There have been approximately 30 to 35 first preferences for boys in recent years at Culverhay. If Culverhay were to become a co-educational school and parents of girls made similar choices to those made for boys then Culverhay might be expected to attract 60 to 70 pupils per year. Small school allowance begins at 108 pupils per year. Even with the level of support projected from the parents' survey, it is unlikely that Culverhay would fill more than 108 places per year group. Therefore while Culverhay might be larger it would still be a small school. If no other changes were made to other schools and Culverhay became a co-educational school with an increased intake, the result would be a redistribution of pupils and some other schools would not be full and may also require small school support. There would be no overall impact on the number of surplus places and number of schools and the inefficient use of resources in Bath as a whole would not be addressed.

All the feeder schools in the area want Culverhay to remain open as a mixed school.

A statement read out at the 25 November Cabinet meeting representing the Headteachers of all 27 Bath primary schools states their support for a small all-through co-educational school located in Bath. This has been evaluated in full in Section 9 of the report - Other Options Considered.

Culver hay seems to have the support of other Secondary schools in the area.

If Culverhay was to remain open as a co-educational school, this would not allow the Local Authority to meet its objective of removing surplus places. In order to do this, it would be necessary to make all the other schools in Bath smaller. Responses from the governing bodies of all of the other secondary schools in Bath were unanimous in indicating that any proposal to remove places from their schools would not deliver on the overall aims of the strategy and would not be supported. This has been evaluated in full in Section 9 of the report – Other Options Considered.

A large majority (74%) of those responding to the consultation were opposed to the proposal to close Culverhay, however a significant proportion (47%) also supported the plan for Bath which requires a reduction in the number of schools. The opposition to the proposal from within the communities of south-west Bath needs to be weighed against the level of support received for the plan from communities who feel it will meet their needs.

Effective and Efficient Use of Resources

The money from the sale of the site would go to other schools which are looking to remove themselves from Local Authority control, so the money would be lost by the Authority and the majority of its residents.

The capital receipt which would be generated from the sale of the Culverhay site would only be invested in schools within local authority control. The funding of adaptations at Oldfield Academy to enable the admission of boys from 2012 will be funded from existing capital resources and not the Culverhay capital receipt.

Culverhay School is not the most expensive per pupil in Bath. St Marks is the most expensive.

Per pupil costs at St Mark's Church of England School are higher than at other schools. However Culverhay costs approximately £1,073 per pupil more than the average school in Bath and North East Somerset.

Oldfield should be closed as it will cost more to make this school co-educational than it would cost to make Culverhay co-educational.

The cost of converting Oldfield Academy to enable the admission of boys is greater than the costs of converting Culverhay to admit girls. This was taken into consideration when the Cabinet decided to support Oldfield's proposal to become a co-educational academy which would enable boys from the local area to attend a school considered outstanding by Ofsted.

Closing Culverhay would free up revenue and capital resources to be used for educational priorities in other schools. In addition, under the LMS formula resources would follow the pupils to their new schools. This transfer of resources should also enhance the provision at the receiving schools. Any receipt from the sale of the site would under current council policy be ring-fenced for investment in the school estate. As a result of maintaining six schools rather than seven there would also be a reduction in maintenance costs which are projected to be considerable over the next ten years.

The Future of the Site

The closure will lead to the loss of a good quality school site.

It is the best site for a secondary school, with sufficient space to run all of the sporting requirements.

Loss of community and sports facilities if Culverhay closes.

Sports facilities will be lost and many other community services, clubs etc.

Culverhay is the only school in Bath with its own sports centre including an indoor swimming pool and fantastic sport facilities, the only school open to the local community for adult education, children's parties, fun nights and weekends in the pool for children and adults - not just for the local community but for anyone who wished to use it.

Please note that the community wishes to register an interest in the buildings and land at Culverhay School.

If Culverhay were to close careful consideration would be given to options for the future use of the site. This would need to take into consideration the existing agreements in place for Bath Spa University to use part of the site, Footsteps Nursery and Aquaterra Leisure and the views of the local community. We are keen to continue to foster the close links made with the Bath Spa University and would explore with them their future plans and aspirations for both their existing accommodation and possible expansion of facilities on the site. The nursery would 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.

Planning policies are likely to have a significant influence on options for development of the site with the whole site protected by Bath's world heritage status and green belt designation. It is likely that any development would be limited largely to the existing built area of the site with the playing field being retained for community use.

The Local Authority would liaise with the Community Learning Service to investigate opportunities for relocating groups that currently use Culverhay to other venues in Bath, located as near to the area as possible in order to maintain access to extended services in this way. As all schools in Bath currently meet the five elements of the extended services core offer by either providing services on site or signposting to services provided elsewhere, continued access to services in Bath of an equivalent nature would still be possible if Culverhay closes.

One of the uses of the money from the sale of the site is stated as a 6th form centre for St Gregory's. Why can the Culverhay site not be used for that? It is very close to their existing site and would be cheaper than a new build.

It would be for the governors of St Gregory's Catholic College to assess if Culverhay is a suitable location for the 6th form centre and express an interest in the site. The Council would have to consider how to obtain best value from the site were this to be pursued.

Why couldn't St Marks move to the Culverhay site and be closer to its partner? As this is the only school with space and has less pupils than Culverhay to disrupt in a move?

The consultation on the review of Bath secondary schools undertaken in 2010 showed there was strong support for the continuation of a church school on the St Mark's Church of England 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. Analysis of travel distances shows that pupils living in this area would be required to travel longer distances in order to attend school in another part of the city.

Ralph Allen should be across two sites – use the Culverhay site.

Given the proven demand for co-educational places in Bath why not enlarge Ralph Allen radically to become a school on two sites with one part perhaps the lower school on the Rush Hill site of Culverhay and the upper school and sixth form on the current Combe Down site.

There is no evidence that the governors of Ralph Allen School would consider a split site school which can present management difficulties. Analysis shows that the provision of additional co-educational places at Oldfield Academy together with co-educational places at other schools are sufficient to meet parental demand.

Southdown Infant and Junior schools should move onto the Culverhay site and their two sites should be sold.

The possibility of transferring a primary school to the Culverhay site was included as part of the proposal put forward by Culverhay school for an all through 2-19 co-educational academy on the Culverhay site. This is evaluated in full in section 9 of the report 'Other Options Considered'. The Head Teacher of Southdown Infant School has indicated that she was supportive of the option.

However, there has been no consideration of the transfer of both Southdown Infant School and Southdown Junior School to the Culverhay site should Culverhay close. This would require consultation with the governing bodies of both schools to identify the level of support for this option. The Council would also need to assess whether this option provided an opportunity to consider the amalgamation of the two schools into an all - through primary school in line with the Council's preferred model for primary schools. A feasibility study would be required to assess what changes to buildings would be needed to accommodate a primary school and the associated costs. The sale of the two Southdown sites would generate a capital receipt but there would be a borrowing requirement on the Council in advance of this as

the sites could not be sold until the schools had relocated to new accommodation on the Culverhay site.

When the land was bequeathed many years ago by a Doctor Marsh, it was on the understanding that it should be used solely for the purpose of educational facilities. Has this been taken into consideration?

The land is freehold and registered with title absolute. Nothing within that title indicates that the use of the land is restricted to educational use.

Transition Arrangements

Pupil's education will be disrupted.

Other schools are full – there is no room for the pupils from Culverhay.

The main provider schools that have been allocated for Culverhay boys are already full.

Neither Beechen Cliff nor Ralph Allen has the capacity in terms of space to accept all the boys from Culverhay without resorting to more temporary classrooms.

The transition of existing pupils has been ill thought out with three different views from the Council on how this will be achieved. Parents will be forced to send their children to whichever school the Council see fit to allow them to, there is obviously going to be no choice for parents or students.

If the school does close, allow the children starting in 2011 to complete their GCSEs at Culverhay.

Children's Services would do everything possible to ensure a smooth transition for all the young people and staff at the closing school. The changes for young people and staff would be planned in detail with the Governing Body and school leadership, with particular attention to those pupils with additional needs. Working with the school the Local Authority plans to ensure that all pupils currently at the school and those due to start in 2011 will know which school they will attend in the future and if and when they will move, prior to the end of the summer term in July 2011 and that they and their parents will have an opportunity to make a choice about a new school.

Pupils displaced at the start of Year 10 in September 2013 and 2014 would be offered places at Beechen Cliff School and additional accommodation would be provided at the school in order to create temporary places for these pupils and to ensure there is sufficient capacity. This would not necessarily be in temporary classrooms. In addition to this, some temporary places would also be made available at

St. Gregory's Catholic College and at Ralph Allen School to provide additional choice for parents. Places might also be available at St Mark's Church of England School.

Entrants to post 16 provision would be supported in applying for a place at one of the four co-educational school sixth forms located in Bath or at City of Bath College. There are projected to be sufficient places available, however if there was to be an unmet demand for post 16 provision as a result of the closure of Culverhay, the Local Authority could intervene to procure that provision or ensure access to it elsewhere.

This would mean that no new Year 7 or Year 12 pupils enter Culverhay in September 2012 and beyond. The School would stay open for the pupils moving to Year 8, 9, 10, 11 and 13 in September 2012. The final closure date would be the end of August 2014. This would ensure that in general older pupils can complete their education at Culverhay and younger pupils could make a smooth transition to a new school and pupils would not need to move once they have started their GCSE or A level courses. It would be desirable to leave a single year group on site to complete their GCSEs.

The highly efficient teaching staff will have to seek employment elsewhere.

Teachers will be leaving and temporary teachers will be brought in so pupils will not be getting the education they are entitled to.

Staff requirements up to the closure date would be planned in detail with the school senior management to do everything possible to maintain the quality of teaching and so that staff know what options are available to them. This would include planning for the redeployment of some staff and the retention of others.

14-19 Provision

The number of pupils in secondary education will increase in 2013 as the age for leaving education rises to 17 in 2013 and 18 in 2015. How can this be accommodated with our existing schools?

The focus of this consultation and decision to close Culverhay is to address the large number of surplus places and to raise educational standards for the 11-16 age group. The government commitment to raise the participation age to 18 by 2015 will have no impact on these places.

A very high percentage of young people aged 16 to 18 in Bath, and in Bath and North East Somerset as a whole, are already engaged in education, training or employment with training. Raising the participation age will have little impact on the number of students aged 16 to 18 attending Bath schools as the majority of provision required to

reach those students not yet engaged will be through apprenticeships, college courses and work-based training. There is sufficient capacity with six schools remaining, to meet any additional demand for places.

Culverhay's post 16 is very small (52 students as at the May 2010 School Census, 51 in Year 12 and only one in Year 13) and in Bath there are four other schools where post 16 numbers are greater, a wider range of courses are available and standards of attainment are higher than at Culverhay school. There is also a Further Education (FE) college in the city.

The City of Bath College is to axe its A-level courses to concentrate on more vocational qualifications.

The four school sixth forms in Bath provide a good range of A level courses for students. If the closure of Culverhay was to result in an unmet demand for courses the Local Authority would intervene in the interest of learners to secure the provision of these courses.

Impact of Government's decision to remove EMA. Families will lose this income and have to pay fares.

It is understood that the Government intends to replace the Education Maintenance Allowance (EMA) with a system which will provide support to students from families on low incomes.

Need for Places

The proposed building of new homes is over this side of the City and is not being addressed for school places.

The Core Strategy projects the potential for 6,000 new homes in Bath. Approximately half of these are already accounted for in known developments such as Bath Western Riverside which is expected to generate very low numbers of secondary age children on average due to the high number of flats contained in the development. Six schools in Bath would be sufficient to manage the pupils generated by this level of future housing development.

Keep Culverhay open until 2016 when the increase in secondary places (forecast to be significant) and the outcome of Oldfield's and St. Gregory's admissions criteria will be known.

There is a growing population in the area.

Births have risen in some recent years which is projected to result in an increase in pupil numbers entering Year 7 in 2018 and 2019. The number of Year 7 pupils is projected to be approximately 936 in 2018 and 931 in 2019. Based on the Planned Admission Numbers (PANs) for 2012

currently proposed for the remaining six schools in Bath we would have 976 Year 7 places. Births in the last two years have dropped down again so the number of Year 7 pupils in 2020 and 2021 is projected to be lower. Therefore at present we have a two year bulge, not an established upward trend.

Oldfield is still keeping places for siblings and therefore will still be filling with Bristol children.

There is no guarantee that Oldfield will take Bath children in preference to South Gloucestershire children.

B&NES should not be educating out of Authority pupils, especially to the detriment of one of its own most vulnerable communities.

Why have the conservative council chosen to keep a school open that educates mostly children from Bristol?

Very few people in the Bath area would object to Oldfield closing as very few Bath children actually go to this school.

Oldfield may not admit boys.

I still wouldn't be surprised that if in ten years time Oldfield isn't still single sex with the 80% of girls still attending from outside Bath and not co-ed which is desperately wanted by the parents living in Weston area.

Oldfield Academy is to become co-educational in 2012 and its proposed admissions policy gives priority to pupils resident in the Greater Bath Consortium (GBC) area over pupils resident outside of the GBC area after siblings of pupils at the school, so the vast majority of places will be available to Bath pupils.

Both Oldfield & St Marks educate a high proportion of children from outside of the City.

St Mark's Church of England School does not educate a high proportion of children from outside of Bath.

Oldfield and St.Gregory's schools both import the majority of their pupils from outside the authority. We spend more on them than we receive, and they place a burden on our transport infrastructure.

St Gregory's Catholic College catchment area extends beyond Bath as it is a Catholic school serving a wider area. This factor has been taken into consideration in pupil place planning.

Many of the boys will be found places at Beechen Cliff or other schools, but what happens when even these reach their majority of pupils? Please don't tell me that the Council will then think of building a new school!!

As the majority of pupils in the South West will not have a local secondary school they will be at the bottom of the list of allocations.

Future children will have no choice of school, living the further away from any of the schools in the city will mean that whatever choice they make they will not get in.

There is no real surplus in Bath.

There are approximately 800 pupils currently attending Bath schools from outside the area mostly coming in to Oldfield Academy from South Gloucestershire and Bristol, in addition to approximately 750 surplus places across the city.

Future pupil projections to 2020 which take into account the impact of the increase in birth rates experienced in the city over recent years and pupils projected to be generated from new housing developments over that period, indicate that six schools providing a total of approximately 950 places per year group in Years 7 to 11 would be sufficient to meet the current and projected future needs of the population of the Greater Bath Consortium area and the wider catchment area for the Catholic school located in Bath.

It is anticipated that as more pupils across Bath choose their local school, especially pupils in the north-east of the city choosing a co-educational place at Oldfield Academy, rather than travelling greater distances to other schools as at present, pressure on places at Beechen Cliff School in particular would reduce, making it more accessible to boys from this area.

Culverhay has a large number of surplus places – 49% based on the October 2010 School Census data. Department for Education (DfE) School Organisation guidance states that where a school has at least 30 and 25% or more unfilled places and where standards are low compared to the rest of the Local Authority, closure proposals in order to remove surplus places should normally be approved.

Consultation and Decision Making Process

Failure to consult on the options for re-organisation.

Culverhay was in preliminary talks with the John Cabot Academy federation to join with and improve standards.

The Cabinet has not explained the reasons for its decision to close Culverhay and has not explained why the alternative proposals submitted by Culverhay school were not acceptable.

These have been evaluated in full in Section 9 of the report - Other Options Considered.

The first consultation said that Culverhay would stay open.

The first consultation said that there would be a new co-educational school in the south of the city.

Originally said two school not needed north of the river.

The school and its community were led to believe that the outcome of the original consultation would be that Culverhay would be a co-educational school.

The decision made from the original consultation bore no resemblance to the actual consultation.

The proposal to close Culverhay only came forward when the two schools identified as being the appropriate ones to close began political manoeuvres to make it difficult for the Council to close them.

The Cabinet has done a complete u turn.

It may well be that the inclusion in the original proposal consulted on of one school in the north and one school in the south of the city led to an expectation that there would be a new co-educational school on the Culverhay site and did affect the response from parents in the Culverhay area. This has already been considered by Overview & Scrutiny and re-considered by Cabinet as part of the call-in of the previous decision E2097. The decision to subsequently consult separately on a new proposal to close Culverhay reflects that this option was not explicitly part of the original consultation and this is clearly stated on Page 5 of the consultation document proposing the closure of Culverhay. This procedure meets Department for Education (DfE) statutory requirements.

A lack of consistency, transparency and clarity throughout the consultations has led to flawed reasoning and decision making.

The consultation process gives the impression of being flawed.

The consultation was a sham, a farce, is biased.

The public has not been listened to.

Many parents paid into the projects that helped create Culverhay - their voice has been ignored.

The decision to close the school was made from the outset.

A large number of consultation responses were not included and responses were not considered.

Action group leaflets – 143 stated as received but 182 were hand delivered.

The only consultation responses given any weight were those answers to the questions in the consultation document itself. People were misled.

The consultation documents were only sent home with school children so how were the general public to know that no account would be paid to their remarks if they did not answer the exact consultation questions.

It was actually acknowledged quite some time ago that misinformation had occurred. At that time the whole process should have ceased and restarted from scratch.

The decision to close the school should be made by Cabinet or Full Council not by a single Cabinet member.

Objections made on the basis that the consultation process had been flawed and that not all consultation responses had been recorded had also been raised and addressed in the call-in.

Officers are satisfied that the process and methodology for receiving and recording consultation responses was robust and that the information provided to Cabinet provides an accurate picture of the result of the consultation. Cabinet were left in no doubt about the strength and direction of local support.

All responses correctly submitted via the online E-Consult process and paper questionnaire were used when the system generated the summary which was Appendix 1 of the 25 November Cabinet report.

Every effort was made to ensure that people found it as easy as possible to respond including removing the need to register when making an online response, as some had found this off-putting or time-consuming during the first consultation. For the proposal to close Culverhay consultation, respondents could simply answer the questions, add comments and press the submit button. Obviously there is always the possibility of human error and if the submit button wasn't pressed then the response would not be recorded.

All emails received in the formal consultation mailbox on time were acknowledged and every attempt was made to acknowledge and respond to other emails received by individual officers and Cabinet members. A petition, parental survey and leaflets were also submitted to the Local Authority within the consultation period. All of the consultation responses as detailed above were provided to the Cabinet prior to their meeting.

The Local Authority is satisfied that the consultation and subsequent statutory notice publication meets DfE statutory requirements and the sufficiency and quality of the consultation will be taken into consideration as part of the overall determination of the proposal.

Miscellaneous

Human rights of the children of this area to be educated locally. The White Paper states that pupils from disadvantaged backgrounds should get more money and that local schools in such areas are very important. Closing Culverhay is going against the Educational White Paper and Government Proposals.

The closure of Culverhay will cause a negative impact on this area of deprivation and will impact hardest on the poorest section of Bath.

The consultation has not given proper weight to the income which would be available through the Government's Pupil Premium.

The pupil premium will target resources to schools for the most deprived pupils, based primarily on eligibility for free school meals. It is likely that a significant number of pupils from the area close to Culverhay will attract this funding and the resource would go to whichever school they attend. Other larger schools in Bath have the potential to provide a wider range of opportunities and for pupils who would have attended Culverhay to achieve higher standards in these schools.

The federation between St Mark's and St Gregory's is a soft and not a hard federation.

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

The closure of the school will lead to an imbalance of single sex places in Bath. There will be 18 more single sex girls places than boys. This is totally against the Equal Opportunities Act.

There is a requirement to meet demand equally, not to provide an equal number of places. The additional 18 girls places in Bath are as a result of an admission number set by a Foundation school, not as a direct result of Local Authority action.

Boys have left Beechen Cliff and come to Culverhay because they have been bullied there. Will they be forced back?

Experience of bullying at Oldfield due to the Bristol majority.

The Local Authority does not have any evidence of this and cannot comment on this issue. Places for displaced pupils will be available at Beechen Cliff School, St. Gregory's Catholic College and at Ralph Allen School and also at St Marks Church of England School in order to provide some choice for pupils.

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CALL IN OF EXECUTIVE DECISION NUMBER E2233

We the undersigned wish to support the call in of the decision E2233 'Determination of the Statutory Notice to close Culverhay School' taken by the Cabinet Member for Children's Services on 23rd February 2011.

The grounds for the call in are as follows:

The decision to close Culverhay School is not a reasonable decision to make based on the consultation because:

1. The single closure option is not a reasonable consultation from the original consultation;
2. The overall strategy of reduction of surplus places is flawed since there is a reasonable number of surplus places for the city;
3. It did not allow enough time for the school and community to fully develop alternative proposals and the preliminary proposals from the community, which were based around a coeducational status for Culverhay, were not given adequate consideration by the Cabinet member;
4. There is a local parental demand for coeducational secondary school places on the Culverhay site which could reduce the "large number of surplus places" at Culverhay, this has not been sufficiently taken into account;
5. The views of the community have not been regarded and the final decision has been taken in private as a single member decision, undermining transparency and local accountability;
6. It increases unfairly the burden of getting to school for families in the Culverhay area:
 - a. The rationale that the "community is relatively close to alternative schools" is false as the 'successor school' is 50 minutes walk away and is poorly served by public transport connections;
 - b. Culverhay is sited in the most economically disadvantaged part of the city where parents may not have private cars or may struggle to afford transport by private car or public transport (where it exists);
 - c. It may conflict with the Council's carbon reduction strategy if more requirement for private car transport is created in contrast to the current situation where the vast majority of pupils are able to walk to school which has additional health and wellbeing benefits;
7. It fails to recognize the advantage that the boys with emotional and behavioural difficulties in particular get from the school;
8. A full equalities impact assessment of the decision has not been carried out;

9. The decision making process has attributed weight to the educational standards of the school (which are said to be “low compared to the rest of the authority”), but has not attributed equal weight to the OFSTED rating of the school (which looks at teaching, behaviour and pastoral care as well as test results), which is “good”;

Signed by:

1. Dine Romero (Lead Call-in Councillor)
2. Nigel Roberts
3. Paul Crossley
4. Caroline Roberts
5. Simon Allen
6. Steve Hedges
7. Will Sandry
8. Nicholas Coombes
9. Tim Ball
10. Cherry Beath
11. Marian McNeir
12. Nathan Hartley
13. Roger Symonds
14. Rob Appleyard
15. Eleanor Jackson
16. Adrian Inker
17. David Speirs
18. Lorraine Brinkhurst

CALL-IN OF EXECUTIVE DECISIONS

RULE 1 – WHO MAY REQUEST A CALL-IN?

Elected members who do not sit on the Cabinet have the right to request a “call-in” of an executive decision which has been made by the Cabinet, or a person or body to whom the power to make executive decisions has been delegated, but not yet implemented.

These decisions could be made by;

- the Cabinet
- a Cabinet Member,
- a committee of the Cabinet
- an Officer taking a key decision acting on delegated authority from the Cabinet
- an area committee
- a body under joint arrangements

BUT NOT the decisions of quasi-judicial or Regulatory Committees.

Notice of the decision made shall be published to every councillor and the publicity shall specify the period in which the “call-in” right may be exercised.

RULE 2 – SUBMISSION OF A “CALL-IN” NOTICE

A notice requesting a “call-in” of an executive decision shall be in writing and signed by 10 or more elected members (excluding Cabinet Members) making the request. The request shall be deposited with the Chief Executive.

The request shall include individual signatures on the notice or electronic communications from individual members signifying their support for the call-in. If a Member is unable to communicate in writing or electronically he/she may signify support by telephone.

The persons making the call-in request shall state the decision being called in, the decision maker, the date the decision was taken and shall give reasons for the call-in.

No member of the Council is entitled to sign up to more than 5 call-in requests in any Council year.

The Chief Executive shall determine whether a call-in is valid (ie whether it has been received within 5 working days of the decision being published and requested by the appropriate number of members and that the decision may properly be called in under the Constitution) and, if so, consult with Overview & Scrutiny Chairs to decide which Panel should consider it.

The Chief Executive shall make a report of any validated call-in to a meeting of the relevant Overview and Scrutiny Panel which shall meet wholly in public within 14 working days of a valid call-in notice being verified.

A decision may only be called in once.

RULE 3 – CONSIDERATION BY OVERVIEW AND SCRUTINY PANEL

The Overview and Scrutiny Panel shall consider the issues raised in the “call-in” request and the stated reasons for the request. They have the following courses of action open to them;

- a) To dismiss the call-in: the decision shall then take effect immediately;
- b) To refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of the Panel's concerns; or
- c) To refer the matter to Council to itself undertake the role of the Panel (which may necessitate an additional Council meeting to meet necessary timescales) [NB: the ultimate decision still remains with the original decision maker].

If the call-in is dismissed, notification will be made to all interested parties and the original decision can be implemented. No amendments can be made to the decision [Six-month rule applies – Part 4(D), rule 15]

If the Panel consider any aspect of the decision requires further consideration, it must refer it back to the decision maker.

In total, the Panel shall ensure that the period of overview and scrutiny involvement in an individual call-in shall not exceed 21 working days.

RULE 4 – CONSIDERATION BY DECISION MAKER

The person or body which made the decision shall consider the report of the Overview and Scrutiny Panel or Council and must;

- (a) confirm the original decision; or
- (b) make some changes to the original decision; or
- (c) make a different decision.

The decision maker may not ignore the report. The decision maker shall undertake this consideration within 10 working days from the date of the Overview and Scrutiny (or Council) meeting.

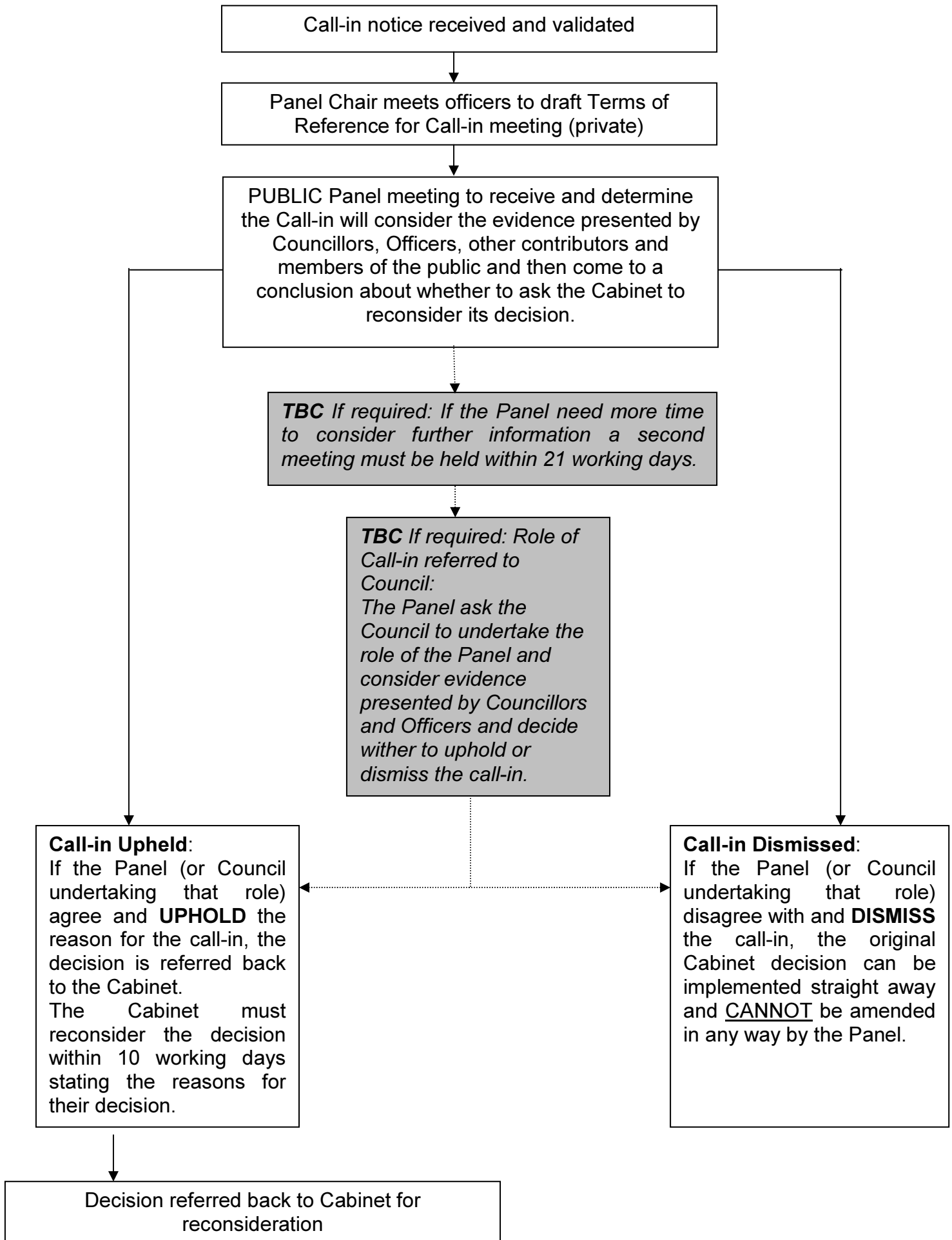
The decision made by the decision maker after considering the report of the Overview and Scrutiny Panel shall be final and will be implemented immediately. There is no further opportunity for “call-in” of the decision.

RULE 5 – EXCEPTIONS TO “CALL-IN”

The rights under this Procedural Rule shall not apply in the following circumstances:

- when the executive decision is urgent as defined in the Urgency Procedure Rules within this Constitution
- the effect of the call-in alone would be to cause the Council to miss a statutory deadline
- a decision taken under the General Exception and Special Urgency Access to Information Rules [Part 4B, rules 15 and 16].

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APPENDIX 5 - TERMS OF REFERENCE

Call-in the Single Member decision: E2233 (Determination of the Statutory Notice to Close Culverhay School)

Introduction

The Weekly List of decisions published on 23rd February 2011 contained a decision (E2233) taken by the Cabinet Member for Children's Services (Councillor Chris Watt) based on the decision to close Culverhay School on the 31st August 2014, with no further admissions to Year 7 from September 2012.

This decision was based on the statutory six week representation period that ran from the 16th December 2010 until the 27th January 2011.

On 4th March 2011 a call-in notice was received, signed by 18 Councillors, objecting to this decision. 9 supporting reasons were stated (a copy of the call-in request is attached at appendix 3 of the formal agenda papers).

Relevant O&S Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Children and Young People Overview & Scrutiny Panel to review the decision.

The Panel must hold their first meeting within 14 working days after receiving a validated call-in request (i.e. by 24th March).

Call-in Meeting

At the Panel meeting on 21st March 2011 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Single Member decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the decision made by the Cabinet Member for Children's Services about the decision to close Culverhay School should:

- Be referred back to the Single Member for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Single Member [**'Dismiss' the call-in**], or
- be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet Member*].

Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request - Cllr. Dine Romero
- Cabinet Member for Children's Services – Cllr. Chris Watt and officers from Children's Services

Outputs

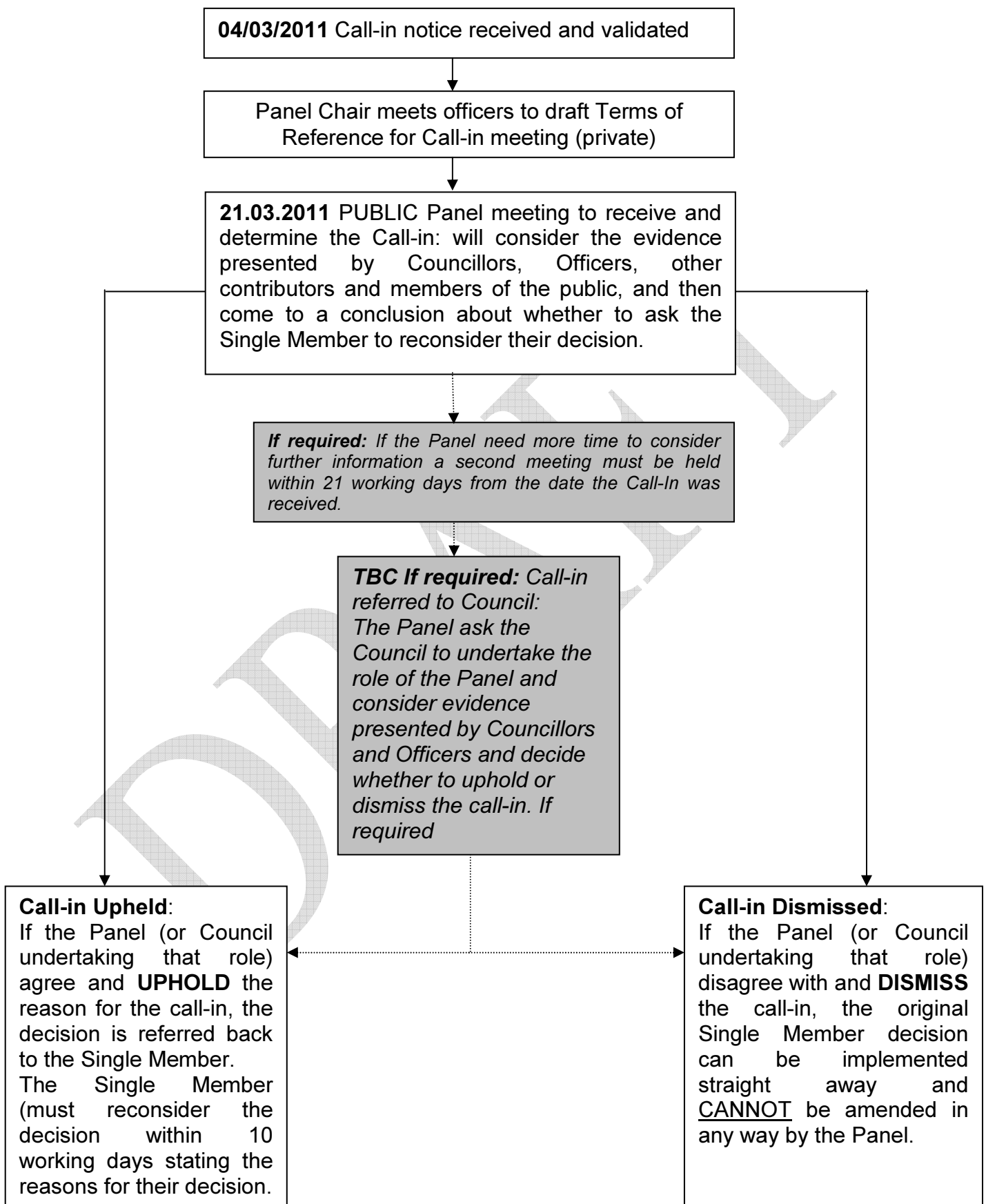
The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

- **Timescales.** The Panel must hold its initial meeting within 14 working days to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
 - **Initial Public Meeting must be held by 24th March 2011 [14 working days from receipt of validated call-in request]**
 - **If meeting adjourned, a second public meeting must be held within 21 working days i.e. 4th April. A date of the 28th March has been suggested as the Panel were already due to have a public meeting on this date.**
 - **If referred back to the Cabinet Member, without an adjournment, a response must be received by 4th April [10 working days from date of 1st meeting].**
 - **If the meeting is adjourned and then referred back to the Cabinet Member a response must be received within 10 working days of the reconvened meeting.**
 - **If referred to Council, a Council meeting will be arranged at the earliest opportunity**
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council Constitution.** Part 4E, Rule 13 requires that "*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*". Section 3.1 of the cover report (formal agenda papers) provides further explanation.

Key Dates for the Call-in



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BATH AND NORTH EAST SOMERSET

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY PANEL

Monday, 21st March, 2011

Present:- Councillors Councillor Sally Davis (Chair), Councillor Nathan Hartley, Councillor Shirley Steel, Councillor John Bull, Councillor Anthony Clarke (In place of Councillor Marie Longstaff (previously Brewer)), Councillor David Dixon (In place of Councillor Dine Romero) and Councillor Ian Gilchrist (In place of Councillor Marian McNeir MBE)

Statutory Co-opted (Voting Members): Mrs T Daly (Diocese of Clifton), David Williams (Diocese of Bath and Wells) and Sanjeev Chaddha (Parent Governor)

Participating Observers (Non-voting): Chris Batten (Professional Teaching Association, / Teresa Austin (Primary School Representative and substitute for Peter Mountstephen)and Dawn Harris (Secondary School Representative)

Cabinet Member: Councillor Chris Watt, Cabinet Member for Children's Services
Also in attendance: Ashley Ayre (Strategic Director, Children & Young People Services) and Tony Parker (Divisional Director Learning and Inclusion Service)

93 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting and asked all Panel members to introduce themselves.

94 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

95 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors McNeir (substituted by Councillor Ian Gilchrist), Romero (substituted by Councillor Dixon) and Longstaff (substituted by Councillor Clarke) gave their apologies (*note: Councillor Romero was in attendance as the lead call-in Councillor, not as a member of the Panel*).

Peter Mountstephen (Primary School Representative) also gave his apologies and was substituted by Teresa Austin.

96 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

97 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

98 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

The Panel heard twelve statements from members of the public and Councillors in support of Culverhay School and in support of the call in. Copies of several of the statements can be found on the Panel's Minute Book. The list of speakers is as follows:

Richard Thomson – Head of Culverhay School
Mr Wilkins
Councillor Will Sandry
Sarah Wall
Sean Turner – Deputy Head of Culverhay School
Allen Smith
Sarah Moore
Councillor Gerry Curran
Councillor Paul Crossley
Bryan Rippin
Hilary Fraser

99 CALL-IN OF DECISION E2233 'DETERMINATION OF THE STATUTORY NOTICE TO CLOSE CULVERHAY SCHOOL'

Statement from the Lead Councillor of the Call-in notice – Councillor Dine Romero

Councillor Romero made a statement in support of Culverhay School and made the following points:

- That the review of secondary schools was initiated only to take advantage of the Building Schools for the Future (BSF) funding but that in the midst of the consultation process, the economic and political climate radically changed. She felt that it would have been more appropriate to stop the consultation at this point and reconsider the options and perhaps re-consult on secondary school provision rather than set one school against all the others.
- That the surplus places in Bath are focused on three schools (Culverhay, St Marks and Oldfield) and that Culverhay should be allowed to transform as the other two are being allowed to do. She explained that 27 primary head teachers had supported Culverhay's proposal to become an all through school but little consideration or no was given to this.
- That there is local demand for a co-educational school on the Culverhay site and for the officer to say there is no guarantee that this would happen is disingenuous as there is no guarantee that any of the proposals made by any of the schools will have an impact either. To allow Culverhay to become co-educational would reduce the numbers of children applying to alternative schools which are a significant distance away, this would reduce the carbon footprint of home to school transport.

- That 40% of Culverhay pupils are on free school meals and would be entitled to a bus pass and there are no buses running direct to Beechen Cliff from the Culverhay catchment area. Also, from an equalities point of view it would seem that for a decision of this magnitude a full impact assessment, including the socio-economic impact, should have been carried out.

Councillor Romero concluded that it was wrong to close the school on the basis of low numbers and comparatively low academic achievement. Improvements had been seen in recent years and only the threat of closure had changed the pattern. She urged the panel not to dismiss the call in.

Questions from Panel Members

There were no questions.

Statement from Councillor Chris Watt, Cabinet Member for Children's Services

Councillor Watt stated that the supporters of the call-in had relied on two sets of information that were not factual. Firstly that there was sufficient parental demand in the community to sustain a secondary school and secondly that surplus places are theoretical. On the first point Councillor Watt stated that the parental survey that had been done had some flaws such as not asking the age of children in the household, he stated that he was entirely confident that this survey did not demonstrate a considerable amount of parental demand for Culverhay. He stated that over the last 3-5 years only 30% of families for whom Culverhay is the nearest school, choose Culverhay as their first preference. On the second point regarding surplus places, Councillor Watt explained that the PAN (planned admission number) is arrived at through a process including a consideration of parental demand. He also explained that sometimes, and in the case of Culverhay, the physical capacity of the school could carry a greater number than the PAN, these schools are expensive to maintain. He further explained that it was necessary to have a critical mass of pupils to cover a broad curriculum.

Councillor Watt addressed a point that had been raised by Councillor Sandry in his statement about this decision effecting the carbon footprint of the Council, Councillor Watt explained that the biggest thing the authority could do to reduce its carbon footprint relates to schools and closing a school would reduce emissions overall.

Councillor Watt finished his statement by giving the example of Somervale School. He explained that if he had resisted the change to federation, he would have let down the local children. He gave examples of improved results at the school.

Questions from Panel members

Councillor Hartley stated that it was unfair to compare Culverhay with Somervale School in that the authority had listened to Somervale and has not listened to Culverhay. He asked if Councillor Watt had given serious thought to alternative proposals regarding Culverhay for example an 'all through school' or 'free school'. Councillor Watt explained that the 'all through school' option had been assessed as part of the consultation process which was widely documented. The proposal had

been received and assessed and found wanting on a number of issues, it would not have achieved a reduction in the number of surplus places. He further explained that the 'free school' option was not for the authority to decide.

Councillor John Bull stated that all speakers had mentioned other options such as federation status and Oldfield has achieved academy status, he asked if the Cabinet Member had considered options such as these with regard to Culverhay. Councillor Watt explained that alternatives were brought forward and assessed and they were rejected. He explained that federations work well when not imposed, he stated that this was a decision for the Governing Body of a School, not the authority.

Councillor Dave Dixon stated that the Cabinet member should not rely on secondary evidence only (the parental survey regarding Culverhay School) and did the authority consider carrying out its own survey. Councillor Watt explained that both primary and secondary data are proxies for an actual choice whereas the Council has actual data from actual parental choice over decades. Councillor Dixon stated that residents had done their own surveys on residential parking in his ward and he understood that the Council could not act on that, he asked why the Cabinet Member did not ask officers to carry out their own survey. Councillor Watt explained that a survey had been done as part of the Secondary Reviews which was an extensive piece of work and that the closure of Culverhay was part of a set of decisions across the city.

Summing Up from the Lead Call-in Councillor – Councillor Dine Romero

Councillor Romero thanked all the speakers at the meeting. She stated that they were not asking for an all boys school to be maintained and that they wanted a co-educational school in the Culverhay site which was in an area of great need. She asked if the consultation and the way it was carried out lived up to the Cabinet Member's expectation as a professional practitioner in consultation. She further commented that there were no buses to the successor school. She urged that the authority keep all seven secondary schools and that Culverhay should become co-educational and market forces would show the result. She finished by asking the Panel to refer this decision to Full Council.

Summing up from the Cabinet Member for Children's Services – Councillor Chris Watt

Councillor Watt explained that his professional background had led him to scrutinize responses more than normal and in fact this report took longer to be published due to a further level of assessment that he had requested. He stated that the average distance travelled would go up marginally with journeys to the successor school and this would not mean all pupils would be driven to school. He stated he was surprised to hear Councillor Romero arguing for market forces which he said would lead to one school failing their pupils badly. He urged that the authority takes its last chance to settle the provision of educational provision in the area, he urged that this opportunity not be missed again.

Panel debate and consider their findings

Councillor Nathan Hartley thanked the community for their support. He stated that the decision to close a school is huge and should not be left to a single member.

Councillor Hartley proposed a motion, seconded by Councillor John Bull, that “the decision be referred to a meeting of Full Council”. He asked that a full Equalities Impact Assessment be carried out; that the parent survey should be validated by the Authority; and that this was the wrong time in the electoral period for this decision to be made. He stated that everyone could have their say at the local elections on May 5th 2011.

In seconding the above motion, Councillor Bull stated that the authority should have open dialogue with schools in Bath to find a more imaginative solution than this. He supported the call for a full Equalities Impact Assessment. He stated that there should be a full debate among all Councillors.

Vernon Hitchman, Monitoring Officer explained that in referring the matter to Full Council, the date meeting of Council was for the Council and not the Panel to decide and it could be called at an earlier date than the next set meeting (May 19th 2011)

Councillor Ian Gilchrist stated that he supported the motion and called for more vision and imagination to be used and hoped that the new Council would have this.

Councillor Dixon explained that guidance had been sent out regarding the run up to the election period, he asked that in the spirit of this guidance, caution should be exercised and any further decision should not be made until after the elections.

Tess Daly – Statutory Co-optee (Diocese of Clifton) made a short statement. She explained that since the incorporation of church schools in to the state system, church representatives have had the right to vote on Education Committees/Panels. She explained that her role was to represent Catholic Schools while having regard to all schools in the area. She further explained that while the decision before the panel today did not relate to Catholic Schools, she could understand the impact on families, pupils and staff. She stated that in the first call-in on this decision, she voted to uphold the call-in as she felt the consultation process had been flawed. In the second call-in, she had to leave early to attend a previous engagement (the call-in meeting had been called at short notice) but had stayed at the call-in meeting for two and a half hours. She explained that at this meeting, she intended to abstain.

Councillor Anthony Clarke stated that he would vote to dismiss the call-in. He felt that the consultation had listened and changed direction. There had been hard work from officers. He felt that clear thought and continuing review had led to Councillor Watt’s decision which would lead to the best education all over the city. He concluded that pupils in the south west of the city were not best served by another long period of a lack of security.

The Panel RESOLVED to: Refer the matter to Full Council to undertake the role of the Panel.

Having considered the evidence the panel voted (5 for, 3 against and 2 abstained) to refer the Call-in to Council for the following reasons:

- The Panel felt that a full Equalities Impact Assessment should be carried out; and

- The Panel was concerned that the parent survey should be validated by the Authority; and
- That this was the wrong time in the electoral period for this decision to be made.

(This means that the matter will be referred to a meeting of Full Council to undertake the role of the panel. The ultimate decision would still remain with the Cabinet Member for Children's Services)

The meeting ended at 7:30pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

THE FUTURE OF CULVERHAY SCHOOL

OUTLINE

This document summarises the history and context of the proposal to close Culverhay School. It indicates the duties and responsibilities of the Local Authority (LA) and its strategy for educational provision for the city of Bath which includes the reduction of surplus school places.

The underpinning issue is that Bath and North East Somerset (B&NES) has carried surplus places over a long period of time and a declining secondary pupil population from 2003. Future forecasts over the next 10 years indicate that a significant increase is unlikely. The medium term pattern over the same period for the secondary school age population is expected to be similar to that of today.

A solution to this problem of over-supply of secondary school places has been difficult to find. Changes in education legislation make it increasingly difficult for the Local Authority (LA) to undertake future school place planning. As schools take up academy status they acquire powers to expand and make changes to their character without having to follow the traditional school organisation process (Statutory Proposals).

The ongoing debate, which can be traced back to 1984, produced a proposal to close Culverhay School in 2010. This paper gives a summary of the steps that led to the Statutory Proposal and the risks associated with the possible closure of Culverhay School together with the risks of retaining Culverhay School and seven secondary schools in Bath.

CONTENTS

	CONTENTS	Page
1	BACKGROUND TO SCHOOL ORGANISATION AND THE PROVISION OF SCHOOL PLACES	1
1.1	Responsibilities	1
1.2	Surplus Places	1
1.3	Changing role of the Local Authority and Academies/Foundation Schools	1
1.4	Pupil Place Planning Methodology	2
1.5	Optimum Size of Secondary Schools	2
1.6	Current Size of Secondary Schools in Bath	2
	Aerial Map showing Bath Secondary School	3
2	DEMOGRAPHIC CHANGES AND PLANNING SCHOOL PLACES	
2.1	The School Organisation Plan 2003-2008	4
2.2	Housing Developments and Pupil Numbers	4
2.3	School Sizes and Surplus Places	4
2.4	Projection Based on known numbers of children aged 0-11	6
3	SUMMARY OF THE PROCESS LEADING TO THE DECISION TO PROPOSE THE CLOSURE OF CULVERHAY SCHOOL	
3.1	School Organisation Plan set out Key Principles for Reorganisation (2003)	8
3.2	Survey of Parental Views on the Future of Secondary Schools in Bath (September 2004)	9
3.3	Review of Secondary School Provision in Bath by the Overview and Scrutiny Panel (September 2005 - January 2007)	9
3.4	Strategy for Change Agreed by Cabinet and Council (2008)	10
3.5	Statutory Consultation on Closing Three Schools and Opening Two New Schools (March - May 2010)	10
3.6	Cabinet Decision to Consult on Closure of Culverhay School (18 th August 2010)	11
3.7	Statutory Consultation on the Closure of Culverhay School (24 th September - 29 th October 2010)	11

3.8	Cabinet Decision to Close Culverhay School (25 th November 2010)	11
3.9	Public Notice to Close Culverhay School (December 2010)	12
3.10	Single Member Determines Notice to Close Culverhay School (25 th February 2011)	12
3.11	Local Election (May 2011)	12
3.12	Council Meeting (14 th July 2011)	12
4	CULVERHAY SCHOOL – THE BACKGROUND	
4.1	1994 OfSTED Report	13
4.2	1999 OfSTED Report	13
4.3	2006 OfSTED Report	13
4.4	2008 Culverhay School became a National Challenge School	13
4.5	2009 – Latest full OfSTED inspection	14
4.6	Standards of Attainment on Entry to Culverhay School	14
4.7	Standards of Attainment at Culverhay School for pupils aged 16	14
4.8	Levels of Achievement	15
4.9	Parental Choice and First Preferences	15
	Y7 Male Pupils closer to Culverhay School 2009 – Map	17
	Y7 Female Pupils closer to Culverhay School 2009 – Map	18
4.10	Post 16 Numbers	19
4.11	Budget and Staffing	19
5	THE RISKS AND OPPORTUNITIES IF CULVERHAY SCHOOL WERE TO BE CLOSED	
5.1	Community Identity and Cohesion	20
5.2	Travel to School	21
5.3	Parental Preferences and Diversity	21
5.4	Availability of School Places	21
5.5	Financial Risks and Possible High Cost of Redundancies	22
5.6	Staffing	22
5.7	Educational Standards and Pupil Entitlement	22
5.8	Premises and Capital Spending	22
6	THE RISKS AND OPPORTUNITIES OF CULVERHAY SCHOOL REMAINING OPEN	
6.1	Community Identity and Cohesion	23
6.2	Parental Preference and Diversity	23

6.3	Availability of School Places	24
6.4	Financial Risks	24
6.5	Staffing	27
6.6	Educational Standards and Pupil Entitlement	27
6.7	Premises and Capital Spending	27

KEY REFERENCES

GLOSSARY

ANNEX I – Flow diagram showing progression of Culverhay School decision

ANNEX II - Report from Independent Review of Culverhay School Budget, June 2011

1. BACKGROUND TO SCHOOL ORGANISATION AND THE PROVISION OF SCHOOL PLACES

1.1 Responsibilities

Local Authorities have a key responsibility to keep pupil places and school planning under review and to ensure that there are sufficient school places available to meet local need.

Where it is not possible to agree Statutory Proposals locally they must be referred to the Schools Adjudicator (SA) as established by the School Standards and Framework Act, 1998.

1.2 Surplus Places

From 2001, due to increasing government concerns about the efficient use of education funding, pressure to remove empty school places increased. The Audit Commission has stated that when an individual school has more than 25% surplus capacity, urgent action should be taken to reduce the number of surplus places.

The Department for Education (DfE) monitors the level of unfilled places through the annual School Places Return in which Local Authorities are required to state what action they are taking or plan to take to remove excess surplus places over 25% at individual schools.

All authorities work towards reducing excess surplus places, defined as approximately 5% -10% unused school places. However, exceptions are made. For example, in rural areas children may have to travel unreasonable distances if they cannot go to a local school and some schools may be kept open despite high numbers of surplus places. There is also a presumption against closure of some rural primary schools. In urban areas with more schools and shorter travelling distances, there are usually lower levels of surplus places at around 5%.

1.3 Changing role of the Local Authority and Academies/ Foundation Schools

As Academies are independent of the Local Authorities there is less scope for the Local Authority to set Planned Admission Numbers (PANs). Academies can make changes such as adding more places with relative ease and speed and popular schools are now encouraged to expand.

Foundation schools also have autonomy in setting PANs and the Local Authority cannot increase or reduce a PAN without the agreement of the governors. All secondary schools in the Greater Bath Consortium (GBC) except Culverhay School are Foundation schools or Academies. The Local Authority however remains legally responsible for overall place-planning ensuring there are sufficient places to meet demand.

1.4 Pupil Place Planning Methodology

It is essential for the Local Authority to understand the need for places and future demands. Forecasts of pupil numbers in Secondary school are prepared using information on birth rates, resident population data, estimates of pupil numbers to be generated from housing developments, past transfer rates of pupils moving from Year 6 into Year 7, cohort survival rates and current Numbers on Roll data.

1.5 Optimum Size of Secondary Schools

There is no statutory minimum or maximum size for a Secondary school. However there is a body of national research and advice about the optimum size of schools and sixth forms. There are also commonly accepted guidelines related to the efficient use of resources and the “critical mass” of pupil numbers needed to deliver a good curriculum and appropriate educational opportunities.

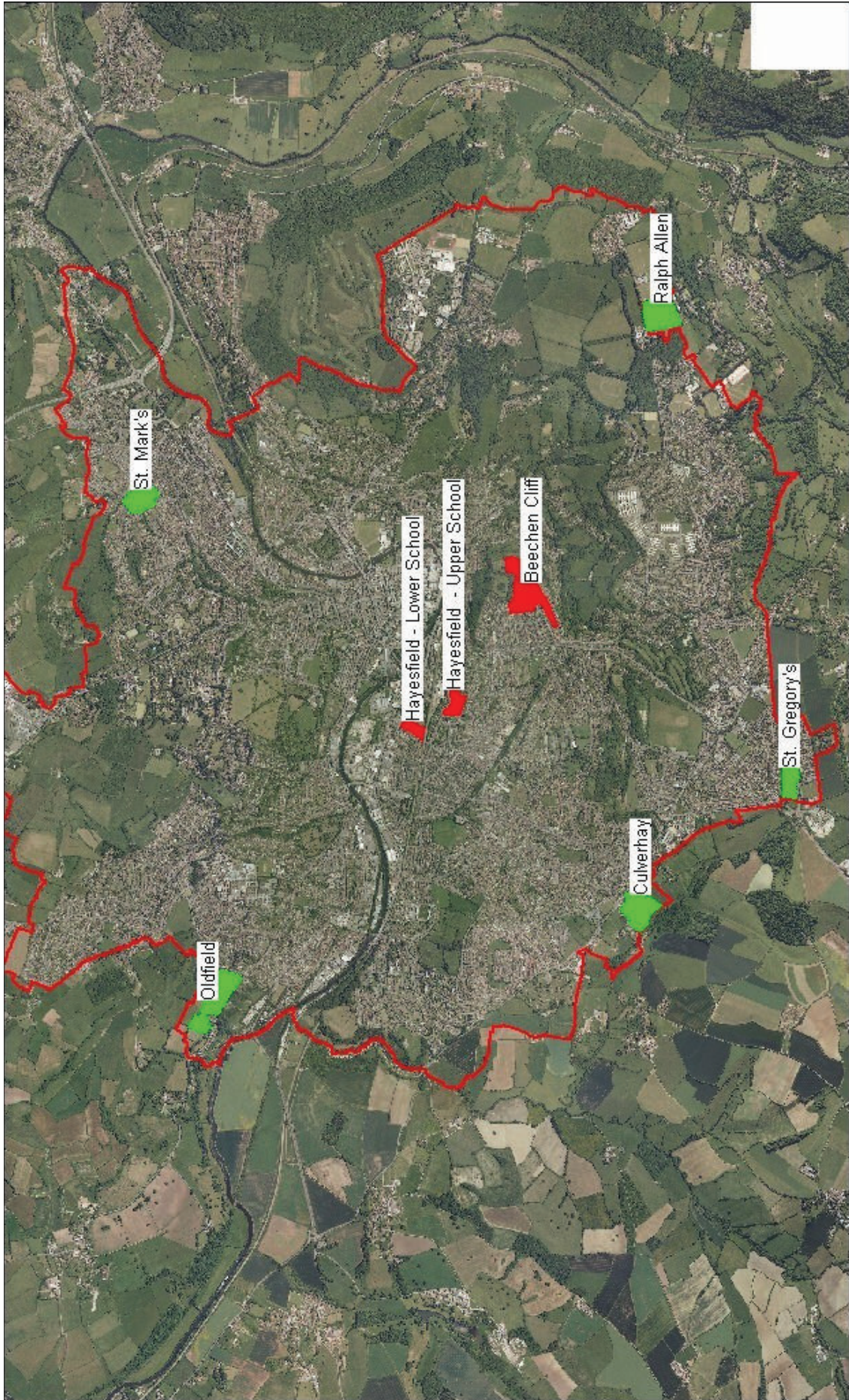
For example the National Foundation for Educational Research (NFER)(2002) found that the best education results were achieved in a secondary school which had a yearly intake of 180 - 200 children (thus producing around 900-1000 pupils aged 11-16). The lower educational results were obtained in very small or very large schools.

1.6 Current Size of Secondary Schools in Bath

The sizes of schools in the GBC (which is the area affected by the reorganisation proposals) in 2010 is given in the next table. It shows that no school in the GBC area is a large school. In fact, only one school (Hayesfield) is within the desirable range of 900-1200 pupils.

School	PAN	Places 11-16	NOR 11-16	Surplus Places
Hayesfield	180	900	920	0
Culverhay	102	510	252	258
Ralph Allen	180	900	892	8
St. Mark's	102	510	256	254
St. Gregory's	160	800	812	0
Beechen Cliff	162	810	830	0
Oldfield	192	960	745	215
Total Surplus Places				735

Footnote: number of places 11-16 is based on the most up to date PAN for each school x 5 for year groups 7 to 11. Number on roll as at the October 2010 school census.



2. DEMOGRAPHIC CHANGES AND PLANNING SCHOOL PLACES

Bath and North East Somerset has an ageing population and its need for secondary school places in the Greater Bath Consortium (GBC) has been reducing since 2003.

2.1 The School Organisation Plan 2003-2008

The starting point for the secondary reorganisation in Bath was the 2003 School Organisation Plan (SOP). At that point secondary school numbers were 5% higher than six years previously and it forecast a steady increase until 2003 before secondary pupil numbers would start falling.

This forecast was based on the decline in primary numbers which had already dropped by 4% since 1999. The same pattern in the secondary sector was expected to follow with the loss of around 555 pupils by 2008 (down to 10,500 secondary aged pupils in Bath and North East Somerset). This forecast has proved to be accurate.

2.2 Housing Developments and Pupil Numbers

Current known housing developments in the GBC area (those that are under construction or either have planning permission or are fairly advanced in the planning process) are calculated to generate approximately 7 secondary age pupils per year group in total spread over the next few years. In addition to this the Bath Western Riverside development is calculated to generate approximately 8.5 pupils per year group in total once all of the dwellings are built and occupied. The first phase of building has started and is expected to take five years to complete. Approximately 800 of the 1,900 dwellings are in Phase 1. Therefore approximately 2.5 pupils per year group are calculated to be generated in Phase 1 and the remaining six in Phase 2.

The majority of any further future new housing planned for Bath is expected to centre primarily on the three Ministry of Defence (MoD) sites in Bath at Foxhill, Ensleigh and Warminster Road. These sites are expected to deliver in the order of 1,000 new dwellings which could generate approximately 150 secondary age pupils in total, 30 per year group. Developer contributions can be sought in order to expand the existing schools in the city if projections indicate that all existing capacity will be taken up and that there will be no room for the pupils generated by the developments. If projections indicate that sufficient capacity exists in the secondary schools in the GBC then no developer contributions will be sought.

2.3 School Sizes and Surplus Places

The next table shows the size of Secondary Schools in Bath, number of places taken up and surplus places in January 2003.

GBC	Status	Net Capacity	PAN	Actual 11 - 16 Jan 2003	Actual 6th Form Jan 2003	Actual Total Jan 2003	Surplus Places Jan 2003	% Surplus Places Jan 2003
Beechen Cliff	Foundation (Boys)	1035	155	780	178	958	77	7.44%
Culverhay	Community (Boys)	837	154	487	61	548	289	34.53%
Hayesfield	Foundation (Girls)	1165	210	970	169	1139	26	2.23%
Oldfield	Foundation (Girls)	983	150	801	123	924	59	6.00%
Ralph Allen	Community (Co-ed)	1034	165	848	150	998	36	3.48%
St Gregory's	Voluntary Aided (Co-ed)	733	124	809	0	809	0	0%
St Marks	Voluntary Aided (Co-ed)	540	128	324	0	324	216	40.00%
		6327	1086	5019	681	5700	703	11.11%

In 2003 the difference between supply and demand of secondary places amounted to the equivalent of a whole school. In addition around 800 pupils travelled in to Bath from outside the Local Authority each day.

By October 2010 the situation had changed as shown below.

GBC	Status	Net Capacity	PAN	Actual 11 - 16 Oct 2010	Actual 6th Form Oct 2010	Actual Total Oct 2010	Surplus Places Oct 2010	% Surplus Places Oct 2010
Beechen Cliff	Academy (Boys)	1077	162	830	289	1119	0	0%
Culverhay	Community (Boys)	622	102	252	65	317	305	49.03%
Hayesfield	Foundation (Girls)	1184	210	920	259	1179	5	0.42%
Oldfield	Academy (Co-ed)	1015	192	745	77	822	193	19.01%
Ralph Allen	Foundation (Co-ed)	1079	175	892	214	1106	0	0%
St Gregory's	Voluntary Aided (co-ed)	800	160	812	0	812	0	0%
St Marks	Voluntary Aided (Co-ed)	513	102	256	0	256	257	50.09%
		6290	1103	4707	904	5611	760	12.08%

Surplus places had increased from 11.11% to 12.8% overall but there were marked variations between schools. Whilst four schools remained full, Culverhay School's surplus places had increased to 49% and St. Mark's had increased to 50%.

2.4 Projection based on known numbers of children aged 0-11

Predicted pupil numbers in Bath Secondary Schools over the next 10 years.

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Culverhay School	29	13	23	24	25	27	28	48	51	33	35
Oldfield	53	70	80	80	81	90	91	125	128	101	104
Hayesfield	172	168	168	167	167	171	171	180	180	178	179
Beechen Cliff	162	162	162	162	162	162	162	162	162	162	162
Ralph Allen	180	180	180	180	180	180	180	180	180	180	180
St. Gregory's	160	160	160	160	160	160	160	160	160	160	160
St. Mark's	40	40	42	42	43	47	47	65	67	55	57
Total	796	793	815	815	818	837	839	920	928	869	877

Key dates:

2011 – Culverhay School still boys only

2012 - First year that Oldfield can admit boys and Culverhay School still boys only

2013 - First year that Culverhay School can admit girls

The following factors and assumptions have been taken into consideration in preparing the table above showing possible pupil numbers in Bath schools over the next 10 years.

- 2.4.1. These figures are based on the assumption that Culverhay School will still be a boys only school for admissions in 2012. Also that it will become co-ed and able to admit girls from 2013.
- 2.4.2. In 2012 Oldfield will be co-ed and therefore an increase in applications is anticipated.
- 2.4.3. From 2012 Oldfield can admit boys so parents will have an additional choice alongside the traditionally popular Beechen Cliff, Ralph Allen and St. Gregory's and St. Mark's. Girls will have a choice between Oldfield and the traditionally popular Hayesfield, Ralph Allen and St. Gregory's and St. Mark's.

- 2.4.4. If Culverhay School was to become co-ed in 2013 it will be competing for pupils with the other six schools in the city at the same time as other organisational changes significantly alter the past pattern of provision in the city and present a new set of options for parents that were not available to them previously.
- 2.4.5. As Oldfield will be able to admit boys in 2012 it is anticipated that places will become available at Beechen Cliff where previously this school was oversubscribed. It is anticipated that these places will not stay empty however as pupils who may not have been able to obtain a place at this school in the past will be able to.
- 2.4.6. As a result of the federation of St. Mark's with St. Gregory's it is anticipated that places will become available at Ralph Allen where previously this school was oversubscribed. It is anticipated that these places will not stay empty however as pupils who may not have been able to obtain a place at this school in the past will be able to.
- 2.4.7. As a result of the above two factors, Beechen Cliff, Ralph Allen and St. Gregory's are expected to remain full.
- 2.4.8. Numbers at St. Mark's are expected to rise gradually due to the positive effect of the Federation with St. Gregory's.
- 2.4.9. The 2018 - 2021 figures take into account the increased number of pupils expected in reception in GBC primary schools in September 2011. In 2009 the transfer rate of GBC resident pupils leaving Y6 and going into Y7 was 89.6% and in 2010 it was 85.5%. A mid point has been used in the projection.
- 2.4.10. The total number of pupils that come in to GBC schools from outside the GBC for who the LA is obliged to provide a place due to the admission arrangements of the schools (all St. Gregory's non-GBC pupils, 10% at Hayesfield (18) and 10% at Beechen Cliff (16)) was 106 in 2009 and 97 in 2010. A mid point has been used in the projection.
- 2.4.11. These figures relate to pupils resident in the GBC and other pupils from outside the GBC for whom the LA is required to provide a place (e.g. pupils at St. Gregory's). The figures quoted could be higher at some schools – mainly at Oldfield but also possibly at other schools - due to other out of authority pupils applying for a place at the school.
- 2.4.12. The projection assumes that the higher transfer rate of births going into reception in 2011 (98%) will be continued in 2012, 2013 and 2014. However this higher rate may not continue. (It was 93% in 2008, 93.5% in 2009 and 93% in 2010). Also, if more parents than usual have chosen a place at a maintained primary school this year

due to economic factors and the economy improves, it is possible that in seven years time a higher percentage may transfer to a non-maintained secondary school at Y7.

- 2.4.13. There is a possibility that applications for places at Culverhay School from girls may take a while to build up once the school becomes co-educational as girls may be uncertain about going into a school where the majority of pupils are boys. The same might apply to applications from boys for a place at Oldfield.
- 2.4.14. Pupil numbers are projected to remain low for a number of years up to admissions in 2017. For admissions in 2018 and 2019, numbers are expected to increase for a two year period and then reduce again for admissions in 2020 and 2021.
- 2.4.15. Any pupils generated from new housing developments have not been included in the projection (see Housing Developments and Pupil Numbers above).

3. SUMMARY OF THE PROCESS LEADING TO THE DECISION TO PROPOSE THE CLOSURE OF CULVERHAY SCHOOL

The problem of surplus places in the City of Bath goes back more than 25 years. In 1984 there were proposals to reduce the number of schools in the city from seven to six providing a total PAN of 908. The following history is summarised below and a flow chart to illustrate the current process of decision making in 2010 is provided in **ANNEX I**

3.1 School Organisation Plan Set out Key Principles for Reorganisation (2003)

The key principals for secondary school re-organisation were established by the Bath & North East Somerset (B&NES) School Organisation Committee (SOC) and set out in the approved School Organisation Plan (SOP) in 2003:

- Minimum intake to a secondary school should be four forms of entry.
- No secondary school without a sixth form should have fewer than 600 pupils.
- Ideally the maximum intake should be 240 pupils per year for an 11-16 school.
- No secondary school should ideally have more than 1200 students in Years 7-11.
- School 6th forms should be within a range of 80-500 students.
- No journey to school should take a primary aged child more than 45 minutes or exceed six miles. Journeys for secondary aged pupils should not exceed one hour 15 minutes or 10 miles.
- Surplus places should be removed.
- Increases in school places will be considered in the light of local need, not merely parental demand.

- The broad balance of denominational and non-denominational places should be maintained.

3.2 Survey of parental views on the future of secondary schools in Bath (September 2004)

A survey from a private research company was commissioned to find out more about parents' views of secondary education in the area and their preferences for the future. The main findings were:

- A clear majority preferred mixed schools (60%), about a quarter (26%) preferred single sex schools.
- 33% said they would prefer a non-denominational school, 32% would prefer Church of England (CE) and 9% Catholic.
- 84% saying they preferred an 11-18 school.
- Only 55% rated the choice of secondary schools in Bath as good which indicated that there was still room for improvement.
- The most important factors in determining parents choice of school, was its reputation (74%). Academic results were the second most important factor (55%). Single sex schooling came in ninth place, polling only (11%).

3.3 Review of Secondary School provision in Bath by the Overview and Scrutiny Panel (September 2005-January 2007)

A review of secondary provision by Children and Young People Overview and Scrutiny (O&S) Panel was undertaken at the request of the Council Executive and the School Organisation Committee. Its report was considered on 8 January 2007 with the intention of informing Council policy and decisions on the future shape of secondary education across the area.

The Panel concluded that the seven secondary schools in Bath still had too many surplus places and only six schools were needed. Also there were too many single sex places. Its vision for the long term was:

- To promote high educational standards, improved attendance and standards of behaviour.
- To promote the effective use of resources.
- To seek to provide high quality facilities for young people, staff and communities.
- To make the choice of a local school the natural and easy choice for parents/carers whilst recognising the wider area served by Church schools.
- To ensure that a school is within reasonable walking or cycling distance of home and/or reasonably accessed by public transport.

The Panel also specified priorities for decision-making:

- All children should have a local, easily accessible, high-performing school.
- Pupils should be able to walk/cycle or easily use public transport to attend their school/college as far as possible.
- To retain sufficient denominational places for pupils who wish it.
- To respond to unmet demand for co-educational places within the Greater Bath Consortium (as identified in the 1999 and 2004 survey of parents), whilst retaining some single sex schools.

3.4 Strategy for Change agreed by Cabinet and Council 2008

Much discussion and debate by stakeholders followed. This resulted in the overall Strategy for Change. This was agreed unanimously by full Council in March 2008 and the Cabinet then approved specific proposals for Bath in May 2008. These included the proposed closure of Culverhay School but with the school being replaced by a co-educational school or academy on the existing site (south of the city). It was also proposed that both Oldfield and St Mark's schools should close to be replaced by a new co-educational school on one of the existing sites (north of the city).

3.5 Statutory Consultation on Closing Three Schools and Opening Two New Schools (March to May 2010)

The statutory consultation was launched on 31 March 2010 with 13,000 copies of the document being sent out to parents, staff and other stakeholders. It included forecasts for the next ten years which indicated that the GBC would require a maximum of 958 school places per year in six not seven schools (this figure included places for pupils from outside Bath and enough surplus capacity for any short-term variations). This would release around £1.5 million per year from 1500 empty places and increase co-educational places.

The consultation process closed on 28th May 2010. 72% of the respondents were in favour of reducing seven schools to six. However, some new developments occurred that were to have an impact and limit the scope for further options. Using new school legislation, Oldfield School had declared an interest in becoming an academy, which would remove it from local authority control. St. Mark's Church of England School and St. Gregory's Catholic College announced plans to federate and form shared post-16 provision (co-educational).

3.6 Cabinet Decision to Consult on Closure of Culverhay School (18th August 2010)

The Cabinet of the Council resolved to:

1. Support the Oldfield School to become a co-educational academy. This would increase co-educational provision and retain a school that had achieved an outstanding rating from OFSTED.
2. Support the federation of St. Gregory's Catholic College with St. Mark's School and create a joint sixth form. This would encourage higher educational standards and pupils retain access to co-educational faith provision.
3. Consult on the closure of Culverhay School without replacing it. This would remove a substantial amount of the surplus places and balance out the boys' places at Oldfield School.

3.7 Statutory Consultation on the closure of Culverhay School (24th September to 29th October 2010)

The proposal to close Culverhay School with no replacement school on the site was the specific subject of the formal consultation during this time. Respondents were also invited to put forward alternative options to closing Culverhay School.

Meanwhile, implementation of the Oldfield, St. Gregory's and St. Mark's decisions proceeded.

Of those people who responded to the consultation, 47% supported and 53% opposed the Council's broad approach to addressing the challenges in Bath, which included reducing the numbers of schools from seven to six. However, the majority of respondents were opposed to the particular proposal for closing Culverhay School (74%). Only 26% were in favour of Culverhay School closing.

3.8 Cabinet Decision to Close Culverhay School (25th November 2010)

Two other options emerged from the consultation process. One came from a parent group which proposed the retention of all seven schools in Bath but with each taking fewer pupils. This was not thought to be realistic since it did not meet the criteria of the secondary strategy and it could affect the ability of the other six schools to remain viable. It would also require the co-operation of their governing bodies to reduce their PANs as the LA was not the admissions authority for any of them.

The other came from Culverhay School which proposed that the school be converted into an all-through school for children aged 3-19 years old. Insufficient substance was provided for this option and it was not clear how

a two-form intake to the secondary phase could be viable. This proposal did not meet the strategy criteria and there was no evidence of endorsement from the relevant primary schools.

The Cabinet concluded that the only option that could address the key challenges was the closure of Culverhay School. It was agreed that a Public Notice of Closure should be issued and the responsible Cabinet member for Children's Services could determine the Notice after the six week representation period that was to follow.

3.9 Public Notice to Close Culverhay School (December 2010)

A public notice to close Culverhay School was issued on 16th December 2010. It included the specific steps that would be taken to close Culverhay School in a staged and managed way over three years including arrangements for alternative schools for pupils and smooth transfers. The Representation period finished on 27th January 2011 and the Cabinet Member considered all the representations on 23rd February 2011.

3.10 Single Member Determines Notice to Close Culverhay School (25th February 2011)

On 25th February the Cabinet Member decided to implement the Public Notice. The decision was then challenged and called-in for examination by the O&S Panel. The panel met on 21st March 2011 and agreed that the full Council should examine the decision instead. It was decided that it would not be appropriate for the full Council to meet to consider the call in during the pre election period..

3.11 Local Election (May 2011)

As a result of the local elections there has been a change in the political administration of the Council. The new Leader of the Council pledged to start work on reversing the plan to close Culverhay School.

3.12 Council Meeting (14th July 2011)

The first Council meeting after the local elections has been set for 14th July 2011. It will examine the Call-In of the decision to close Culverhay School. The Council may dismiss the call in or refer the decision back to the decision maker for reconsideration.. Following the full Council meeting, the Cabinet will meet to consider the future of Culverhay School. The next Cabinet meeting is scheduled for 14th July 2011.

4. CULVERHAY SCHOOL - THE BACKGROUND

Culverhay School has a history of uneven educational progress and a continuous decline in pupil numbers and popularity.

4.1 1994 OfSTED Report

The inspection of 1994 concluded that Culverhay School was a satisfactory school. The inspection identified assessment as a key issue for action together with the need to address over-staffing and non-specialist teaching. This issue is also highlighted in the Independent Review of Culverhay School Budget which is Annex 2 to this report.

4.2 1999 OfSTED Report

By 1999 the school had made significant improvement and OfSTED concluded that Culverhay School provided a good standard of education for its pupils in terms of both attainment and rates of progress.

4.3 2006 OfSTED Report

In 2006 OfSTED judged Culverhay School to be satisfactory. The effectiveness of the school was judged to be good for the main school (11-16) but inadequate for the sixth form. The Report identified the improvement of assessing pupils' work and the quality of teaching and learning, especially in the sixth form, as issues for action.

4.4 2008 Culverhay School became a National Challenge School

In 2008 the DfE introduced the National Challenge programme to support schools where less than 30% of pupils achieved the floor target of 5 or more GCSE's grades A*-C including English and Maths. Consequently, Culverhay School was designated a National Challenge School on the basis of its 2007 results. Additional funds were available to the school and a National Challenge Adviser was appointed to work with Culverhay School to develop and implement its Raising Achievement Plan (RAP). The school rose above the floor targets in 2008 and 2009 and, whilst it remained above 30% in 2010, the threshold was raised to 35%. In addition, schools are expected to meet the national average figure for 3 levels of progress in both English and Maths, so the school remains at risk.

National Challenge ceased in March 2011 but floor targets continue to rise. In 2012, it will rise to 40% and by the end of the Parliament it will rise to 50%. The current average across the system will become the new floor.

4.5 2009 - Latest full OfSTED inspection

A few months later in May 2009 OfSTED found that Culverhay School provided a good standard of education. It noted also that standards of education in the sixth form had risen significantly and were now good.

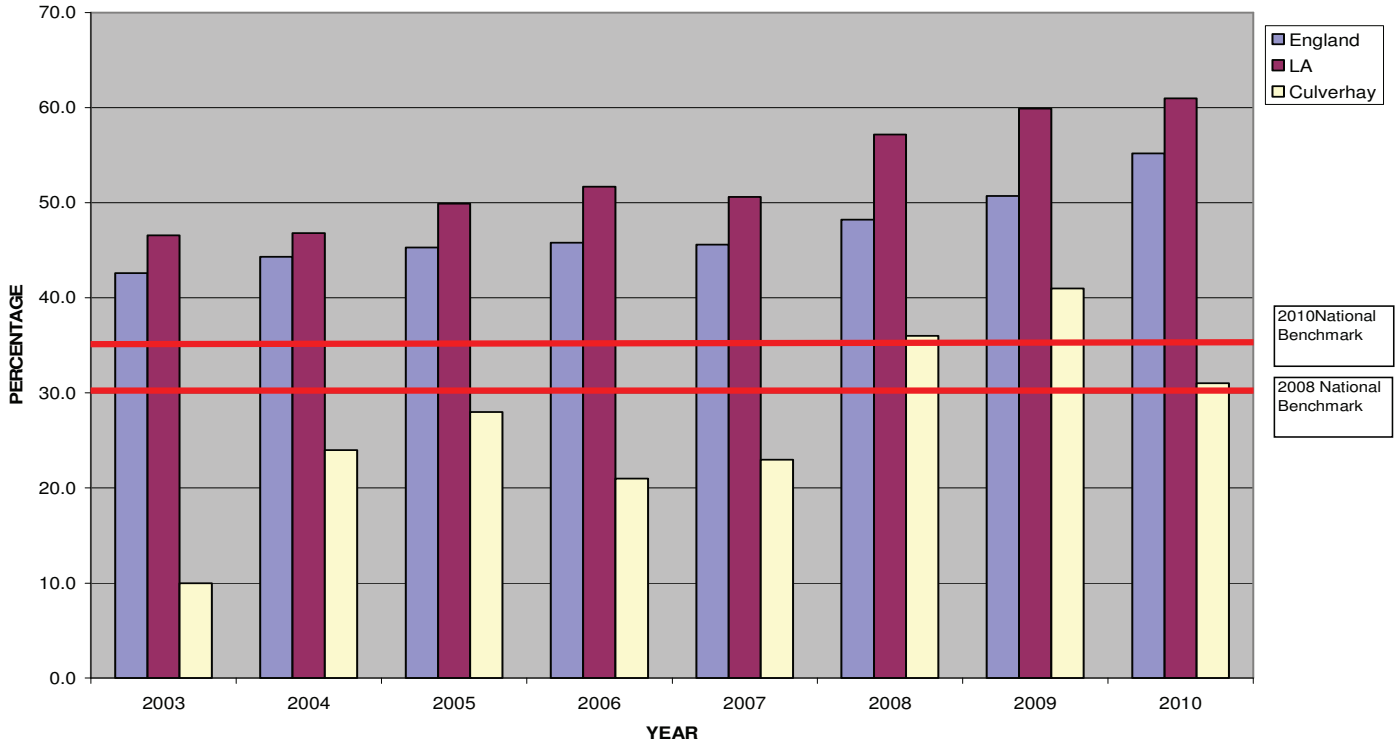
4.6 Standards of attainment on entry to Culverhay School

Standards achieved by pupils entering Culverhay School at 11 years old, are consistently below the national and LA average. The pupils attending the school include a higher proportion of pupils with Special Educational needs than in other Bath schools. In 2010 just over 30% of pupils at Culverhay School had Special Educational Needs compared to 21.7% nationally.

4.7 Standards of attainment at Culverhay School for pupils aged 16

Standards of attainment for Year 11 students (GCSE results) have been well below national and Local Authority averages throughout the last 10 years. This is shown in the graph below.

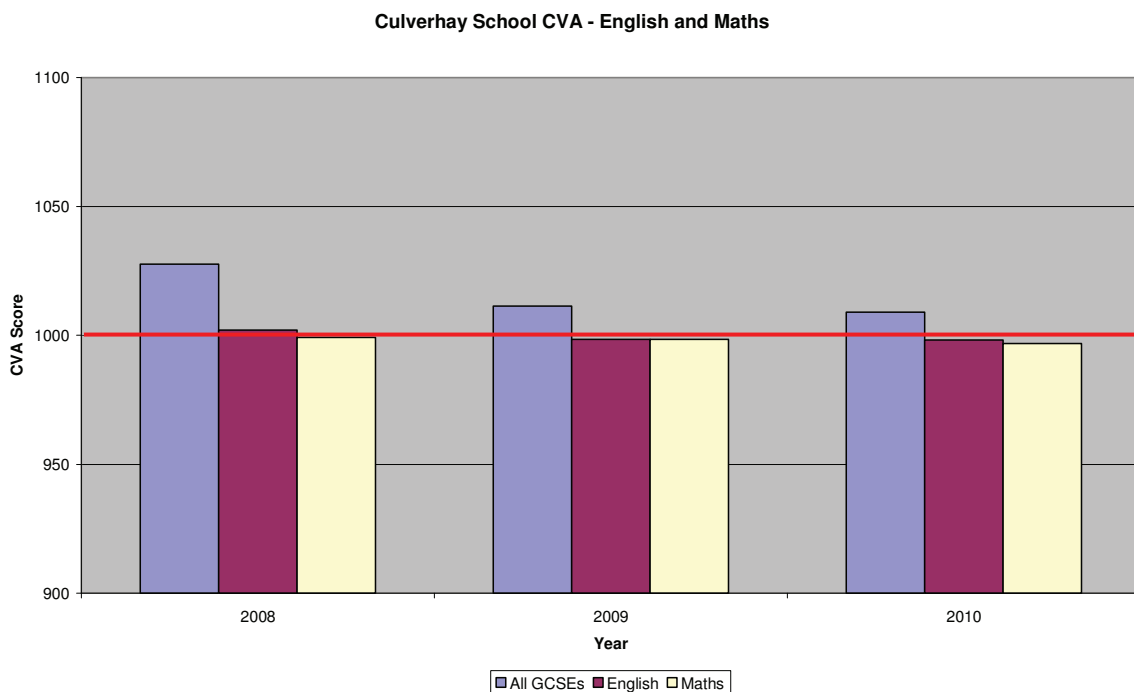
PERCENTAGE 5+ GCSE'S A*-C (including English and Maths)



4.8 Levels of Achievement

Overall pupils' standards are low when they enter Culverhay School. By the time they reach the age of 16 and take their GCSE's standards are satisfactory. Therefore they make good progress during their time at the school.

The graph below shows the national average for pupils progress from age 11 to age 16 for all GCSEs, for English and for Maths when each pupils background is taken into account. For example those pupils who have free school meals or move schools make less progress than other pupils and this is taken into account in this graph. Scores above 1000 points mean that pupils do better than average and below 1000 worse than average.

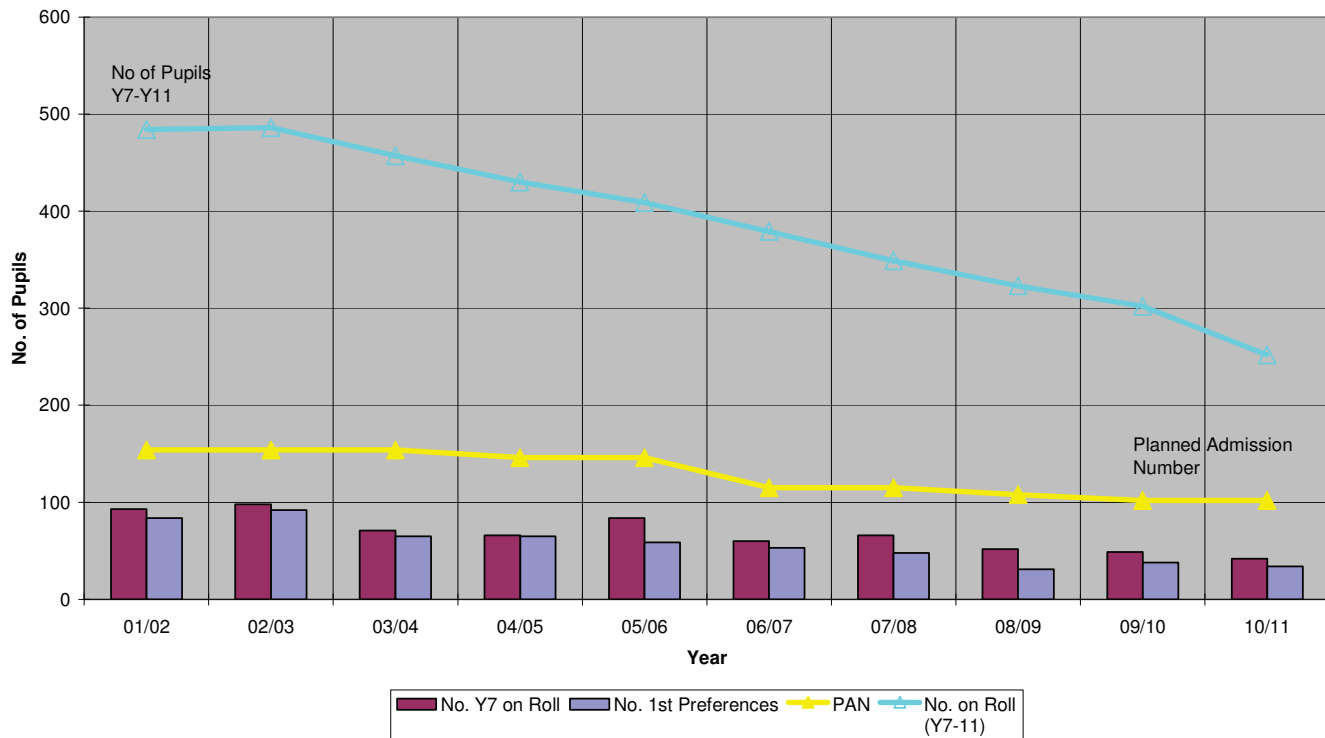


4.9 Parental Choice and First Preferences

Culverhay School has in recent years been a small school. In 2002 it had only 484 pupils in Years 7 to 11. Since then the number of pupils has gradually decreased as the next graph shows and this mirrors the decline in pupil numbers in the GBC. By 2011 there were only 252 on roll in years 7 to 11.

The number of parents' first preferences has also reduced over time indicating a decline in popularity.

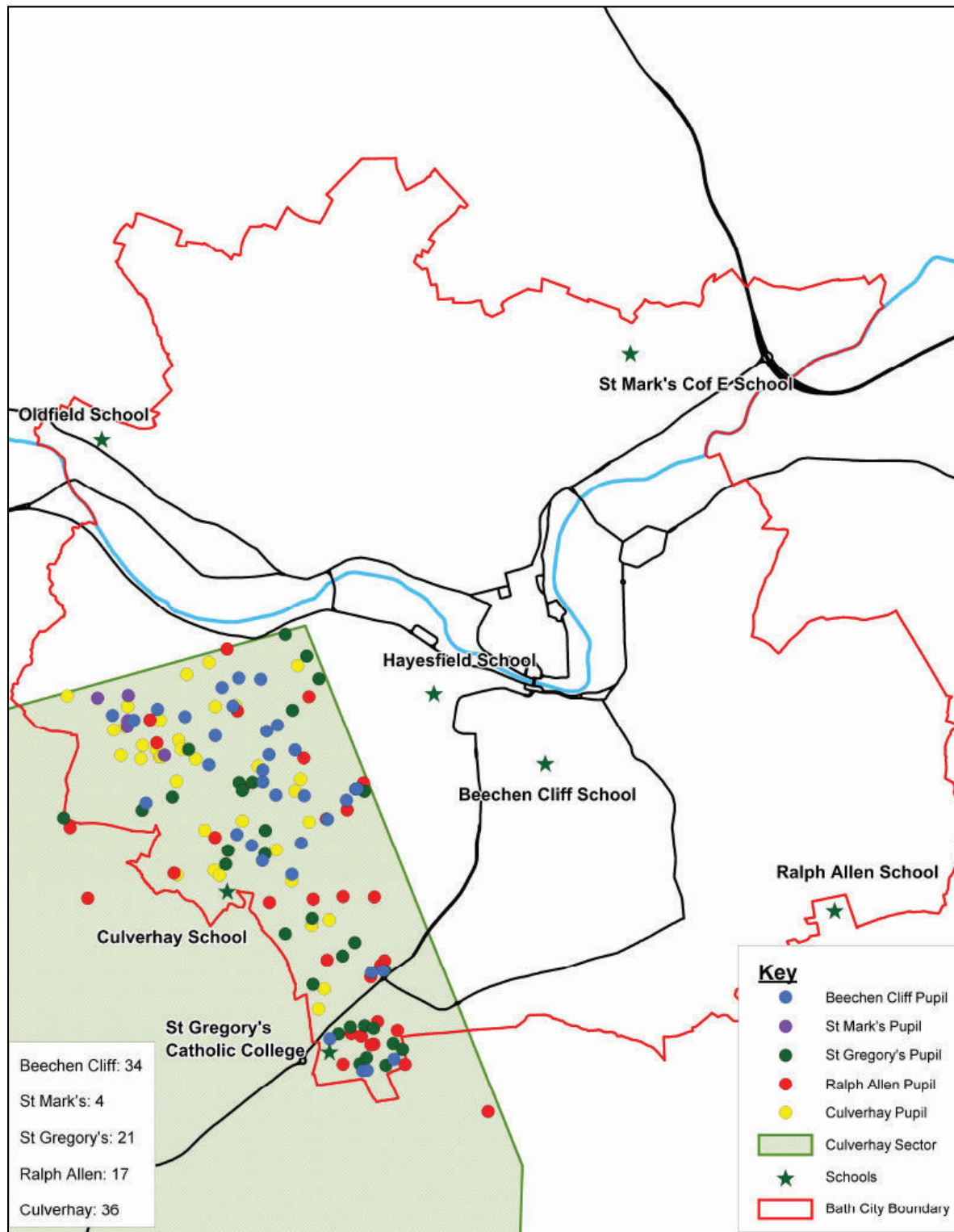
School Roll and 1st Preferences 2001 to 2011



Pupil admission data shows that many parents prefer to send their boys to schools further away. The map opposite provides a snapshot of September 2009 where boys who lived closer to Culverhay School than any other boy's school went to school.

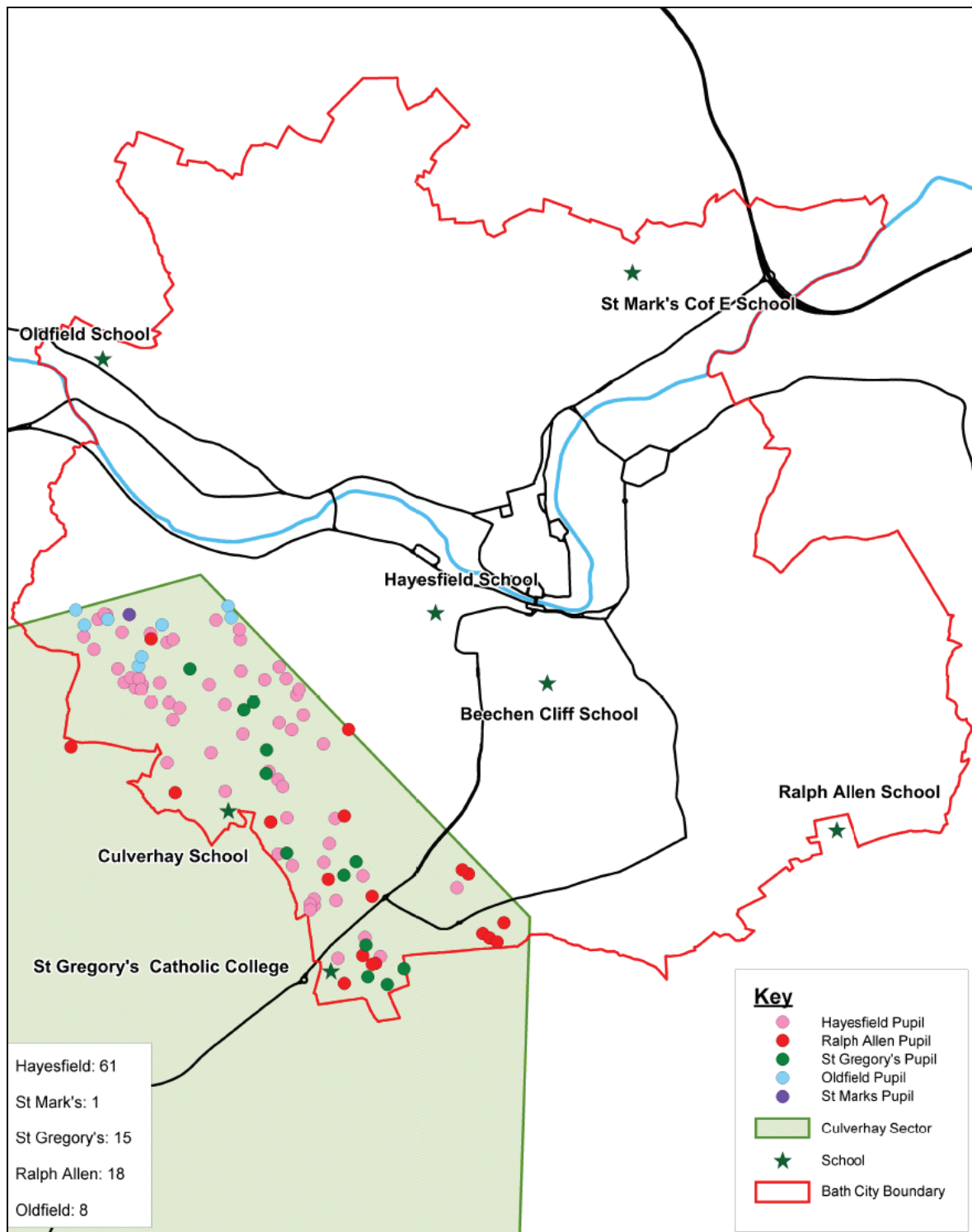
The map on the following page shows where girls who lived closer to Culverhay School than any other girl's school went to school.

Y7 - Male Pupils closer to Culverhay School 2009



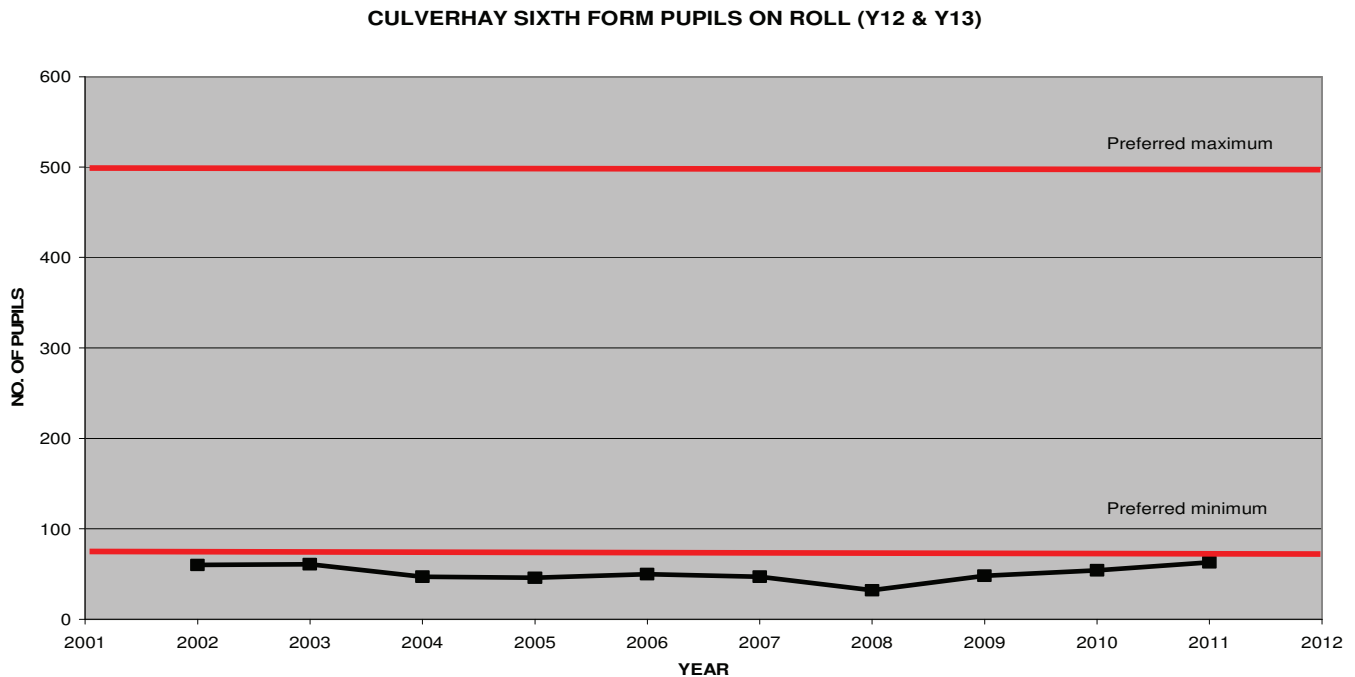
As can be seen, of the 112 boys in the Culverhay School catchment many chose to go further away to attend other schools, 34 attended Beechen Cliff (boys' school); 17 Ralph Allen (mixed school) and only 36 Culverhay School.

Y7 - Female Pupils closer to Culverhay School 2009



4.10 Post 16 Numbers

In 2006 OfSTED concluded that post 16 provision was inadequate but since then standards have improved significantly. However, Culverhay School's post 16 student numbers have remained very small over the last 10 years, as can be seen from the graph below. The small size of the Sixth Form limits the number of courses Culverhay School can offer, giving less choice for students than in other schools.



4.11 Budget and Staffing

A school's budget is allocated mainly on the number of pupils who attend the school. As Culverhay School's pupil numbers have declined so has this element of the LA budget. Low pupil numbers has triggered the small schools support element of the formula which has become a significant proportion of the school's income as the next table shows. In addition to the LA budget, the school has received additional funds such as grants and funding for pupils with Special Educational Needs.

Culverhay School Budget, Spend & Balance for last 11 years				
	Small School Support LA Budget element	Total Budget	Total Spend	Grand Total Balance
2000/2001	£37,340	£1,747,309	£1,704,529	£42,780
2001/2002	£35,657	£1,791,316	£1,765,025	£26,291
2002/2003	£41,026	£1,903,515	£1,909,804	(-£6,289)
2003/2004	£52,113	£2,040,041	£2,013,169	£26,872
2004/2005	£87,684	£2,026,044	£2,047,612	(-£21,568)
2005/2006	£125,621	£2,129,317	£2,160,767	(-£31,450)
2006/2007	£131,426	£2,250,572	£2,111,201	£139,371
2007/2008	£166,416	£2,304,924	£2,188,942	£115,982
2008/2009	£207,960	£2,355,501	£2,285,919	£69,582
2009/2010	£233,660	£2,368,603	£2,290,364	£78,239
2010/2011	£255,977	£2,536,455	£2,367,474	£168,981

5. THE RISKS AND OPPORTUNITIES IF CULVERHAY SCHOOL WERE TO BE CLOSED

5.1 Community Identity and Cohesion

Some areas of the south-west part of the city of Bath are acknowledged to have higher levels of socio-economic disadvantage. As such, the local school can be a valuable source of opportunities or a means to supporting vulnerable people who have relatively higher challenges in terms of education and employability.

In closing the school, some people will be unable or unwilling to travel further for facilities and opportunities for interested parties to work with the community could be reduced. In particular, the continued access to the sports hall and the swimming pool may be restricted or removed if the school is no longer responsible for the maintenance of the facilities.

On the other hand, the Culverhay School premises and site could be transferred to another party and continue to be used for the delivery of services. For example, an alternative purchaser of the site may also be a service provider and they may choose to continue running the leisure and

sports facilities and offer other types of activity that match the needs of the locality. Alternatively, the council could choose to develop an alternative type of educational organisation that can be sustained by the local community. A closure of the Culverhay School in 2014 would make such a transition easier in procedural terms.

5.2 Travel to school

Boys in the locality who would have attended Culverhay School would be obliged to travel further to school. For those preferring single sex, boys' provision, the only option would be Beechen Cliff School. It is possible that not all boys in the Culverhay School locality would obtain places there due to admission rules related to distance.

However, the numbers are likely to be low as many pupils living close to Culverhay School already choose to travel further to attend other schools. The new Oldfield Academy is near and it will offer co-educational provision from September 2012. Boys would be able to travel there without difficulty. A co-ed Culverhay School may also attract boys who would have attended Ralph Allen and Beechen Cliff which will release more spaces for those seeking boys' only education from the Culverhay area.

Girls living nearer to Culverhay School than any other school have been unable to attend Culverhay School due to its single sex status. The closure of Culverhay School would not affect their travel to school journeys.

5.3 Parental Preferences and Diversity

The 2004 parents' survey revealed a need for more co-educational provision. The conversion of Oldfield School to a co-educational Academy increases choice and diversity for parents. If Culverhay School, were to close there would be less choice of secondary in the city.

School	Net capacity	PAN 2012		
Hayesfield	1184	180	Girls	Foundation
Ralph Allen	1079	180	Co-ed	Foundation
St. Mark's	513	102	Co-ed	Faith VA
St. Gregory's	800	160	Co-ed	Faith VA
Beechen Cliff	1077	162	Boys	Academy
Oldfield	1015	192	Co-ed	Academy
		976 <i>per year group</i>	5% Surplus	

5.4 Availability of school places

There is expected to be a slight increase in secondary pupil numbers in Bath from 2011 to 2017 with a small and short "bulge" in 2018 and 2019 needing a total of 976 places (928 plus 5% surplus) that would be available

without Culverhay School. Closure of Culverhay School would reduce the total number of schools from seven to six schools in Bath and reduce surplus places to around 5% (50 places) which is within the desirable range for urban areas.

5.5 Financial Risks and Possible High Cost of Redundancies

If Culverhay School were to be closed there would potentially be high redundancy costs in the region of £1 million. However, as all schools would benefit financially from the closure of Culverhay School it was agreed by the School's Forum that the estimated cost of £950,000 for any redundancies and early retirements arising from the closure programme, would be met by the Direct Schools Grant. This could be spread over more than one year.

The process of closing a school would create disruption for pupils and the maintenance of a viable curriculum would be difficult as pupil numbers fall. However, since the school has been under notice of closure since December 2010, a three year financial plan has been developed. The plan is financially and educationally viable due to the proposed phased transfer of pupil cohorts and a related reduction in staffing over three years. It is possible for the school to close in August 2014 with a modest surplus.

5.6 Staffing

If Culverhay School were to close this would potentially result in the loss of experienced teachers from the system. However, staff would be made redundant in phases and would be fully supported through the closure period. Every effort would be made to redeploy staff with the co-operation of the remaining secondary schools in the Authority although opportunities may be limited.

5.7 Educational Standards and Pupil Entitlement

With a known closure of the school, some teachers would leave and the numbers of pupils may reduce more rapidly than expected. As a result, there is a risk that educational standards may fall and the ethos of the school could be affected. It would be increasingly difficult to manage the school in these circumstances.

On the other hand, the school may not be able to reach the rising government floor targets. If the school were to be closed by the LA it would remove the threat of closure by the Secretary of State and mitigate the unfortunate consequences such a closure would involve for the pupils and the local community.

5.8 Premises and Capital Spending

With the closure of Culverhay School, savings would be made through reduced maintenance costs of the premises. It would also provide the LA

with access to additional resources. The vacant Culverhay School site could potentially provide a capital receipt in the region of £6-8 million. This could be used to improve the rest of the school estate over a period of years and would be helpful during a period when capital income is restricted.

6. THE RISKS AND OPPORTUNITIES OF CULVERHAY SCHOOL REMAINING OPEN

6.1 Community Identity and Cohesion

The continued existence of Culverhay School at its present site would be welcome to many. However, there is a risk that should the local community be unable to generate sufficient pupil numbers, it may not survive as a viable boys' school or as a co-educational school.

If the school remains open it would require investment in maintenance and repair of the building, particularly in relation to the facilities that are jointly used by the school and the community. At the time of writing, immediate remedial works for the joint-use facilities (swimming pool and the leisure centre) are needed, costing around £500,000. The future of the facilities depends on the overall strategic plan for leisure in the City which is regularly reviewed and subject to a contract with an external provider. It is not guaranteed that the facilities would be required in the long-term if improved facilities can be developed elsewhere in the city.

6.2 Parental Preference and Diversity

Culverhay School would initially remain open as a boys' school and any change to a co-educational school would be subject to a statutory process. It is probable that such a change would not be possible until September 2013.

The opportunity for Culverhay School to change its status to a co-educational school would increase diversity and could open the way for Culverhay School becoming a larger, viable school. However, since school rolls would be unlikely to increase until girls were admitted, it could take at least five years for the higher pupil numbers to work through the school and for the school to recover.

The school most likely to be at risk of losing some pupils if Culverhay School become a mixed school would be Hayesfield School as 60% of the girls who live closer to Culverhay School than any other school attend Hayesfield.

6.3 Availability of School Places

If Culverhay School were to stay open the current level of surplus places would remain the same. Even if the school roll increases over time, it is not expected that (given the other popular schools in Bath) Culverhay School would attract more than two forms of entry and it would therefore continue to have surplus places in excess of 25%.

6.4 Financial Risks

The projected number of pupils attending the school will determine its income and scope for employing staff. As predicting future pupil numbers is based on a large number of factors without certainty.

Two scenarios have been developed with the school to provide a picture of what the next five years might look like in terms of income and costs.

The first scenario is based on LA estimates of maximum pupil numbers. The second scenario uses Culverhay School's estimated intake. Both scenarios take into account the following factors:

- The school being co-educational from 1 September 2013
- All estimated formula and YPLA calculations have been based on 2011/12 figures.
- Staffing reductions in 2011/12 and in future years
- No redundancy costs included.
- No interest charges included in relation to cash allocations to cover the deficit balance.

The two scenarios are given in the following two tables.

Scenario 1. Estimated budget for Culverhay School from 2011/2 to 2015/6 based on the Local Authority estimates of maximum pupil numbers.

SCENARIO 1 LA ESTIMATE OF PUPILNUMBERS	2011/12	2012/13	2013/14	2014/15	2015/16
Est. September intake numbers	29	30	50	60	60
Est. Pupils exc. 6th form	252	224	199	199	211
Estimated Formula Allocation estimated pupil numbers exc. 6th form	1,598,670	1,525,883	1,450,640	1,406,667	1,481,565
Estimated 6th form	63	44	43	40	37
Estimated YPLA	339,613	222,995	211,389	190,742	171,143
Total Estimated Income (Formula & YPLA)	1,938,283	1,748,878	1,662,029	1,597,409	1,652,708
Costs	2011/12	2012/13	2013/14	2014/15	2015/16
Total estimated Income inc above	2,356,602	2,132,956	2,036,477	1,971,917	2,028,526
Est. Staffing Costs	1,994,115	1,831,095	1,771,923	1,763,984	1,769,416
Est. Non- Staffing Costs	581,145	491,087	467,282	467,282	467,282
In Year surplus/(Deficit)	(-218,658)	(-189,226)	(-202,728)	(-259,349)	(-208,172)
Surplus/ (Deficit) Brought Forward	168,981	(-49,677)	(-238,903)	(-441,631)	(-700,980)
Outturn: Cumulative Surplus/ (Deficit)	(-49,677)	(-238,903)	(-441,631)	(-700,980)	(-909,152)

Scenario 1 shows an in-year deficit for all financial years resulting in a cumulative deficit at the end of 2015/16 of £909,000 and an ongoing deficit of £208,000 per annum.

Scenario 2. Estimated budget for Culverhay School from 2011/2 to 2015/6 based on the School estimates of pupil numbers.

SCENARIO 2 SCHOOL ESTIMATE OF PUPIL NUMBERS	2011/12	2012/13	2013/14	2014/15	2015/16
Est. September intake numbers	27	50	80	80	80
Est. Pupils exc. 6th form - School	252	222	217	247	279
Estimated Formula Allocation School estimated pupil numbers exc. 6th form	1,598,670	1,525,128	1,468,096	1,638,774	1,826,001
Estimated 6th form - School	63	44	43	40	37
Estimated YPLA - School	339,613	222,995	211,389	190,742	171,143
Income: Total Estimated Formula & YPLA	1,938,283	1,748,123	1,679,485	1,829,516	1,997,144
Costs	2011/12	2012/13	2013/14	2014/15	2015/16
Total estimated Income inc above	2,356,602	2,136,271	2,062,203	2,215,734	2,386,802
Est. Staffing Costs	1,994,115	1,835,095	1,825,555	1,870,911	1,891,637
Est. Non- Staffing Costs	581,145	521,054	518,304	518,304	518,304
In Year surplus/(Deficit)	(-218,658)	(-219,878)	(-281,656)	(-173,481)	(-23,139)
Surplus/ (Deficit) Brought Forward	168,981	(-49,677)	(-269,555)	(-551,211)	(-724,692)
Outturn: Cumulative Surplus/ (Deficit)	(-49,677)	(-269,555)	(-551,211)	(-724,692)	(-747,831)

Scenario 2 shows the school manages an in-year deficit of £23,000 in 2015/16 but is anticipated to have a cumulative deficit of £748,000 at the end of 2015/16. This could take the school a further 15 years to clear the deficit if they repaid this at an estimate of £50,000 per year. It is likely the school would be on a deficit budget plan for approx 20 years in order to clear the deficit as long as pupil numbers are achievable and sustainable.

An independent review has been commissioned to support the school in determining a viable and cost effective timetable and curriculum. This review has been carried out by an officer of the Association of School and College Lecturers (ASCL) who is an experienced ex head teacher. The initial findings of this review are given as ANNEX II. The initial findings indicate that:

- The school has benefited from generous funding to date and this is unlikely to be sustained in the future.

- The school in its present organisational format is unsustainable.
- The school could potentially run with 50-60 students per year as long as high staffing levels, the management structures and the style of curriculum delivery are addressed.

Therefore, if the school stays open, there would have to be redundancies and these will have to be funded by the LA. These costs could be in the region of £500,000. New estimates are required in the light of any decisions the Governing Body may make following the independent report on the sustainability of Culverhay School.

In 2010/11 Culverhay School received £256,000 via the small school support element of the LA formula budget. However, there is a risk that this element would not be sustained when a national funding formula is introduced.

6.5 Staffing

Teaching and support staff would continue to be employed by the school. However, the staffing requirements would need to be managed in accordance with the budget and school curriculum. The independent report estimates that in September 2011 the school would be over-staffed by more than six teachers (20%). There is an immediate need to reduce staffing and to increase teacher contact time with pupils.

It is anticipated that early consultation would need to take place to reduce the numbers of staff in order to manage the budget deficit. Remaining staff would be required to work flexibly and develop/acquire new skills to ensure the school meets its operational requirements. Teaching staff would need to develop a broader range of subject specialisms to support the curriculum. Additional training would be provided to facilitate the change to job roles.

6.6 Educational Standards and Pupil Entitlement

There is a risk that the school would be unable to reduce staffing and change its curriculum delivery and raise educational standards. The 2011 Year 7 entry is likely to be less than 30 students and may require teaching as a single class for much of the time. This would present a significant challenge to meet the needs of a wide range of abilities.

6.7 Premises and Capital Spending

If the school remains open, the costs for maintenance and refurbishment over 10 years are estimated to be £700k with a total of £250k required in the next three years to address the most pressing problems. It would also be necessary to undertake adaptations to accommodate girls such as the provision of toilets and shower facilities. These have been estimated at £200,000.

KEY REFERENCES

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Committee 22 July 2003.
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GLOSSARY

ACADEMY

Academies are publicly funded independent schools, free from local authority and national government control. Freedoms include setting their own pay and conditions for staff, freedoms concerning the delivery of the curriculum, and the ability to change the length of their terms and school days.

CAPITAL FUNDING

Money for buildings and specific time-limited purposes.

CO-EDUCATIONAL

A school that has both boy and girl pupils.

CVA

A measure of pupils progress taking into account a number of factors such as whether they have free school meals or move schools. Average progress is measured as 1000. The coalition government has decided not to continue using this measure on the grounds that taking account of the fact that for example free school meals pupils do less well than other pupils is likely to lower expectations of what those pupils are capable of.

DSG

Dedicated Schools Grant - this is the overall sum of money which can only be distributed to schools according to an agreed local formula. The formula is developed and agreed with the local Schools' Forum.

DfE

Department for Education - the government department responsible for education and children's services.

FOUNDATION SCHOOL

A foundation school is a state-funded school in which the governing body has greater freedom in the running of the school than in community schools. Foundation schools were set up under the School Standards and Framework Act 1998 to replace grant-maintained schools, which were funded directly by central government. Grant-maintained schools that had previously been voluntary controlled usually became foundation schools. The governing body employs the staff and has responsibility for admissions to the school, subject to rules imposed by central government. Pupils follow the National Curriculum. Some foundation schools, also called trust schools, have a foundation or trust that owns the land and buildings. Otherwise the land and buildings are owned by the governing body.

GBC

Greater Bath Consortium

KEY STAGE

A Key Stage is a stage of the state education system in England, Wales, Northern Ireland which was introduced by the Education reform act in 1988. The knowledge

and skills expected of students at various ages is defined in each stage and targets for achieving them are set by government. The stages are as follows:

- Key Stage 1: Years 1 to 2 (5–7 years old) – KS1.
- Key Stage 2: Years 3 to 6 (7–11 years old) – KS2.
- Key Stage 3: Years 7 to 9 (11–14 years old) – KS3.
- Key Stage 4: Years 10 to 11 (14–16 years old) – KS4.
- Key Stage 5 (more commonly referred to as Sixth Form): Years 12 to 13 (16–18 years old) – KS5. .

LA

Local Authority.

OfSTED

Office for Standards in Education. Body responsible for inspecting schools.

STATUTORY PROPOSAL

When a local authority is contemplating a change to the character of an individual school or a group of schools it has to follow a process which is laid out in law and includes publishing the intended reorganisation and consulting with the public about it. This process is referred to as a Statutory Proposal.

REVENUE FUNDING

Funding which is continuous and used for ongoing costs such as salaries.

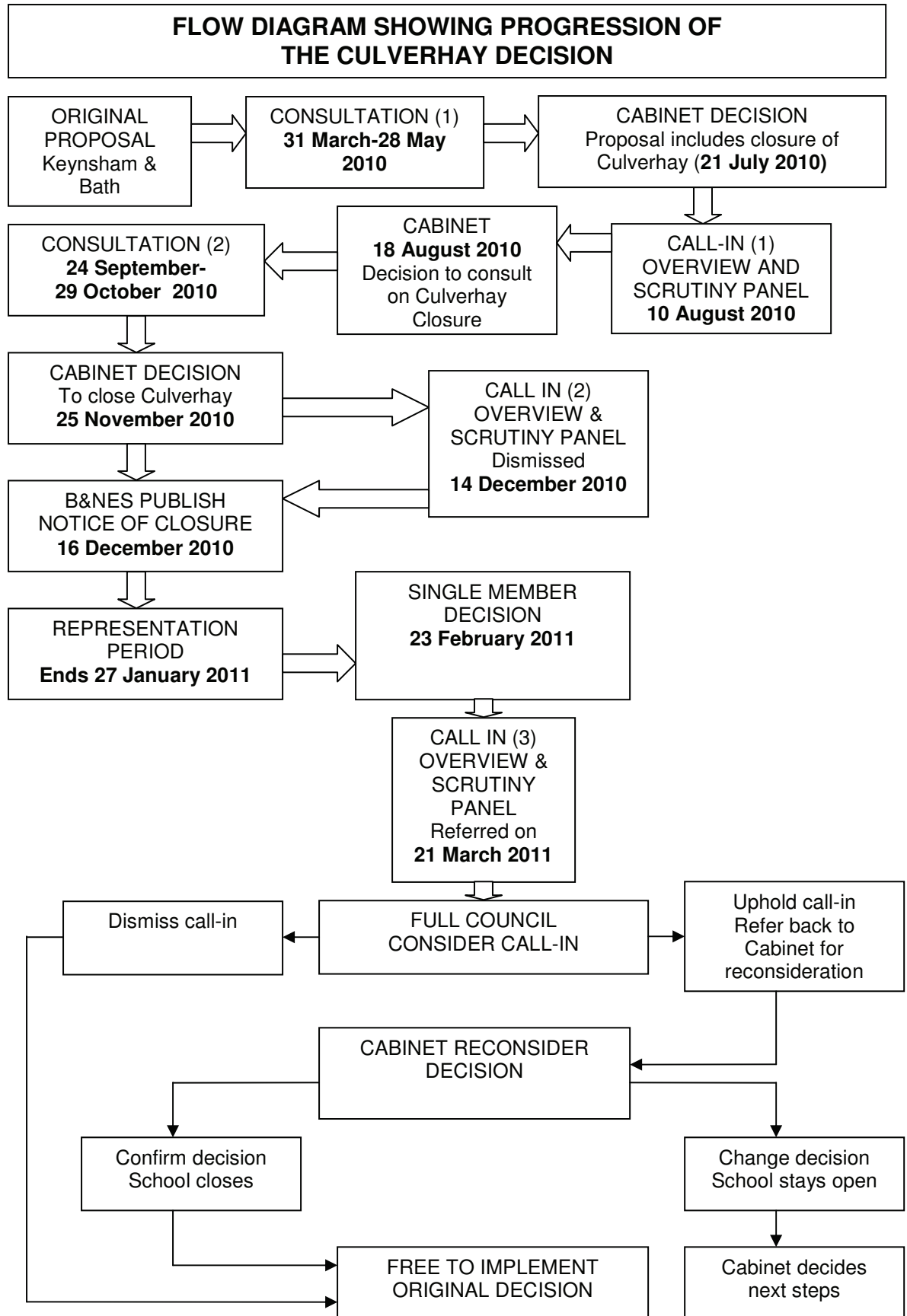
SURPLUS PLACES

Each school has a published admission number (PAN) for each year group. This number is based on the size of the premises, the numbers of pupils in the area and the different types of schools in the area. The objective for any authority is to provide sufficient places for the number of pupils who live there. When there are more than 10% spare places in schools, the vacancies are referred to as surplus places. It is considered to be an inefficient use of public money to run too many surplus places in schools.

SPECIAL EDUCATIONAL NEEDS (SEN)

This is a specific term with an associated set of definitions that indicate where specific pupils should receive additional help and resources. The 1981 Education Act opened up this range of entitlements and ways of working. Since then, its provisions have been supported by the 1995 Disability and Discrimination Act (DDA) and the 2002 Special Educational Needs and Disability Discrimination Act (SENDDA).

ANNEX I



ANNEX II

Interim Independent report on the Sustainability for Culverhay School in respect of strategic Financial, Staffing and Curriculum matters.

1 Introduction:

This report was commissioned by Bath and North East Somerset LA in conjunction with the Head and Governors of Culverhay School to gain an independent view on the future sustainability of Culverhay school in terms of finance, staffing and curriculum following the “Call-in” of the decision to close Culverhay school. This commissioned service has been provided by the Management and Professional Services branch of the Association of School and College Leaders, the leading professional association for secondary school and college leaders. The work has been carried out by David Snashall, an experienced but recently retired secondary headteacher and now part-time officer of the Association.

2 Scope

This is a preliminary report, using data gathered on a one-day visit to the school. Interviews were held with senior leaders and governors. Data was also made available from the officers of the Local Authority. The data provided included a LA and a School estimate of future pupil numbers which are non-evidences and may be both at the higher end of expectations.

3 Model of sustainability

Recent work by ASCL has developed some simple parameters to aid school leaders to take strategic decisions about planning their spending, staffing and curriculum. It is emphasis that these parameters should be a starting point for taking strategic decisions in the local school, but they have the benefit of providing a model at a time of financial uncertainty. These parameters have been shown to work in nearly every situation and provide the linkage from available funds, through staffing, to the type of curriculum that can be offered. The underlying parameters of this model relevant to Culverhay’s strategic direction are:

- a) The 60/20/20 guide: This indicates that spending for sustainable future should be in proportion of: 60% teaching staff; 20% support staff; 20% other costs
- b) The 0.8 deployment guide. This indicates that the overall teaching staff deployment contact ratio should be 0.8. This is the proportion of the available teacher time that is spent teaching in the classroom. Teachers are entitled to 0.1 planning, preparation and assessment time, and leaders entitled to management time. Together, in sustainable schools, the total of non-teaching activity should not exceed 0.2 of the time available

Once these parameters point to the staffing affordability, the framework for the curriculum offer then becomes clear.

ANNEX II

4 Historic situation

4.1 The 60/20/20 guide

A quick analysis of spending over the past couple of years show that the school is not vastly variant from the 60/20/20 guide. Support staff spending is slightly high. This indicates that having been given the budget the governors have done a good job in managing the proportions and have managed the decreasing numbers of students well. However, the funds available to the school have been very generous:

- the school has benefited disproportionately from grants
- the school has had National Challenge funding
- the school has had as had a very generous allowance for being a “small school” (about £1800 per student per year compared with the BANES average)
- the school has benefited from the falling roles situation and BANES funding policy. For example if the roll has fallen by 30 between academic years, the school has benefited from full funding for a financial year for those 30 students but their expenditure has only been for 5/12 of the year. Because the governors have managed staffing well, this has added typically £100,000 per annum over what the school “should” have.

All of these additions are unsustainable, and the future model for funding the school regardless of the governance arrangements, need to be based on sustainable pupil-formula based spending. Staffing is unnecessarily high because of these unsustainable funds.

4.2 The 0.8 deployment guide

This seems never to have guided the deployment of staff and the current level of 0.68 will be amongst the lowest in the country. The difference indicates the volume of professional teaching staff time not used for teaching. There are usually two sources of this – an overgenerous management structure, and teachers not using all the time they are employed for in the professional activity of teaching. In Culverhay’s case both these elements are present. Simply having too many teachers also affects this ratio, and whilst this is now the case, it seems not to have been historically so.

4.3 The Curriculum

The curriculum has provided all that is required by the National Curriculum. The Key Stage three curriculum has gone further and offered (for example) two languages. The core nature of the curriculum in KS3 generally means it is independent of student intake, provided that the student cohort arrives in viable sized groups (for example 25, 50 etc). The KS3 curriculum offer, or its structure in groups, has not been changed as student numbers have dropped leading to some very small groups, and over-generous staffing. At Key Stage 4, it is possible for students to follow the English Baccalaureate subjects, and other combinations required by statute, but there is minimal choice compared with most secondary provision. The school has been working in partnerships with the FE College and other schools to try and address this, but the number of students taking up these offers is small. Curriculum delivery in both these key stages is traditional and class based.

Post 16 the school offers some very successful OCR Nationals, which are taught imaginatively with a strong emphasis on independent learning. Such a model often provides a stimulus and then requires students to explore the material in groups and/or with coaching. The A level offer is poor, not

ANNEX II

viable and even though steps have been taken to work with other schools to create a better offer, such working is minimal. It is not a good environment for successful A level learning because choice is so limited.

5 Current Situation

5.1 The 60/20/20 guide

Teacher staffing for this financial year is approximately 60% of income, non-teaching staff at 25% and other spending at 25%. The overall spend is 109% of income – ie a planned deficit.

However, the budget share is enhanced substantially by a small school's grant, and other grants that would not be sustainable. A conservative estimate suggests that £350,000 falls into this category, which then makes the income base closer to £2.0m, and then teacher costs become 71% of income, non-teachers 30% and other costs 29%, making an overall spend of 130%. This is totally unsustainable. The matter is worse, because this year's income is based on 315 student, where the September 2011 roll is likely to be 272.

Further analysis is needed to identify exactly how the "school small" funding has been spent by the school and whether this represents value-for-money in respect of staffing levels, curriculum or contribution to the fixed costs associated with the over-sized building

5.2 The 0.8 deployment guide.

For September, the school currently has 27.2 teachers. With the timetable cycle in use this gives an availability of 1360 Teacher periods for the timetable. With the current curriculum planned, which is generous in its allocations and has mainly small group sizes, the requirement is for 820 teacher periods. This gives a deployment ratio of 0.60. This will make the school one of the most generously deployed in the country.

The current management structure gives a non-contact total 393 teacher periods – this is very generous. For a staff of 27.2 with 0.8 deployment one would expect this figure to be 272 periods. To get 820 Teacher Periods, with 0.8 deployment, 1025 teacher periods need to be available. This means that there is currently (1360-1025) 335 teacher periods in excess, or 6.7 teaching staff. Removing these staff would lead to a staffing establishment of 21.5. This is still an overall pupil-teacher ratio of 13:1 which is well below typical figure of 17: 1 The disparity between these figures indicates the very generous nature of the present curriculum structure. Any reduction of current staff needs to take into account the needed skill set and specialist knowledge for the future curriculum and teaching & learning styles.

The staff deployment to post 16 courses is in higher proportion than funds generated.

The large leadership group for the size of schools also takes up significant non-teaching time (as well as a number of high salaries): it would normally be smaller in a 272 pupil school.

5.3 Curriculum

The curriculum proposed for the coming year is identical to the Historic situation. There is no immediate impact of the very small year group in Year 7 because this will be treated as one, mixed ability group throughout.

ANNEX II

6 Future situation

6.1 The 60/20/20 guide

There is a major risk that the fixed nature of the “other” costs can put the school at risk. The teaching costs can be scaled to the 60% and with the right skill set of staff and approach to the curriculum provide sufficient staffing for exciting and challenging learning opportunities. Likewise the 20% for support staff can easily be scaled from the present situation and provide an appropriate support for the school business function and the support of learning. However, with both these areas, decisions need to be taken urgently to reduce from the present situation to match the current student population – this population should be at a low point in September 2011 and should maintain and then rise over the next few years with the threat of closure now removed. The small year group in the 2011 entry will continue to make the school have increased risks to its viability and sustainability for the next 7 years.

The overall income is likely to fall because of reduction of grants and the current fiscal climate. There are significantly increased costs for employers in the pipeline. A national funding formula could remove the local variations for supporting small schools. All of these put the school at financial risk, not because of the ability to scale the school to student numbers, but because of fixed costs.

In making plans the school needs to ensure that it fully understands that funding which comes by virtue of “entitlement” and that which is there to ensure support for its size (or other specified activity) and account for this additional funding clearly. This equally applies to post-16 funding.

6.2 The 0.8 deployment guide

Once the leadership, management and general staffing structure has been revised, this guide point can be worked towards with little risk to the current or future curriculum. It is unlikely that whilst a small school the 0.8 will ever be sustained, but the school could easily be able to operate in excess of a 0.75 deployment. Effective use of part-time staff could be used to provide specialism within minority areas for the curriculum, and all teacher appointments need to provide for multi-subject teaching. The curriculum is likely to need a different skill set for its teachers than currently in place and there will need to be active work towards both training existing staff and making good appropriately skilled staff appointments (as the school hopefully expands).

6.3 Curriculum

The current curriculum is unsuitable for the future needs of the school. The key issues are breadth of choice and learning approaches, emphasising practical approaches and independent learning. There is some good practice in Post-16 in the OCR courses which can be built upon for an effective curriculum structure and delivery methods in the rest of the school.

Matters for this full curriculum review should include:

- Expanding the breadth of choice at Key stage 4 and post 16 by allowing students easier access to other schools and colleges in collaborative arrangements.
- Using widely the “stimulus and coaching” methods of curriculum delivery to allow multiple courses to be followed under the supervision of the same member of staff
- Limiting more traditional class teaching to only being used only where there are sufficient numbers to make it a worthwhile experience

ANNEX II

- Making greater use of both independent learning and per-to-peer collaborative working
- Focussing on courses that young people do well in – ie practical learning
- Creating a curriculum specialism building on what the school does well. The lack of a practical based STEM (Science, Technology Engineering and mathematics) provision in the area may make an obvious choice
- Creating a Key Stage 3 curriculum in which the skills needed for the different type of learning needed at Key Stage 4 are taught and nurtured
- Implementing changes to a more individual KS 4 curriculum by 2014 at the latest when the very small year group enter the key stage, when mixed-age learning will be essential to allow for breadth of choice
- Revising post 16 A-level studies to give greater choice, or to concentrate on the OCR Nationals (or similar) which students benefit from greatly.

7 Student numbers and sustainable structures

Even with going co-educational there is little hard evidence that the school will rise above 2 form entry from its local community alone. A school of this size in the current financial parameter is viable so long as it manages its cost extremely carefully. With the declared government aim of introducing a national funding formula, coupled with current fiscal constraints, sustainability is put at risk. There are actions the school can undertake to reduce the risks of becoming unsustainable, which include:

- Creating an “all through” school in conjunction with local primary provision – this can reduce the type of leadership & management costs and premises costs that are needed in a small school. (It does not affect teaching costs or provision but reduces the risk of the teaching part of the budget being “raided” to provide fixed costs.)
- Creating a “Unique Selling Point” that will attract students from outside the immediate community to benefit from a particular approach to learning that suits their needs. The curriculum suggested in the above section, focussed on practical learning, a “stimulus and coaching” approach and the STEM subjects would fulfil such uniqueness
- Complete rebranding of a “new” Culverhay school, looking in particular at corporate image, the public face of the school, and the use of the rooms and resources

All of these matters are rightly for the Governing body, but without tackling them and remaining with current approaches makes the risk to the school’s sustainability unacceptably high.

8 Conclusions

1. **The school in its present format is unsustainable, and is in deficit despite very generous funding.**
2. The school has demonstrated in the past that it is capable of matching available funds to affordable staffing levels, and then to a curriculum that uses those staffing levels.

ANNEX II

3. The school does not seem to have separated “entitlement funding” (the same for each school) from bonus funding in the form of small school allowance and potentially unsustainable grants. It must do so as a move towards sustainability against the background of an impending national funding formula and know exactly what it can afford from the basic level of funding. Without a full analysis of premises and other fixed costs related to income streams it is impossible to analyse whether this can fit within the sustainable 20%. This needs to be done urgently.*
4. **Assuming fixed costs do not create too big a proportion, there is no reason a school running at 50 to 60 students per year should not be sustainable providing the funding and staffing allocation guidelines formulae are followed. However, it would be virtually impossible to do this with a conventional staffing and curriculum structure, or traditional curriculum delivery.***
5. There is some “cross funding” from pre-16 (LA) to post 16 (LSC/YPLA). A first analysis suggests that this may be a significant drain on costs.*
6. **The staffing levels are significantly high**, and for September 2011 the school is overstaffed by over 6 teachers (20%), even accepting the current generous timetable structure. Non-teaching staffing is also significantly overstaffed. This is an immediate need, and further reductions may be needed for sustainability.*
7. **The leadership structure is significantly inappropriate to the size of the school.** This must be reduced for future sustainability. Low student numbers often mean that necessary leadership and management costs are disproportionately high: greater student numbers, or having a singly led and structured “all through” school usually enables sustainability.
8. **The teacher management structure is vastly over capacity.** There are currently only three teachers who do not hold a management post and hence teach a “full” timetable. This breaks the requirements of the national Teachers’ Pay and Conditions requirements for Teaching and Learning Responsibility (TLR) posts. This creates both excess spending and a reduction of teacher periods available for deployment. The school should re-structure its management layer immediately, and use some of the residual small-school funding to carry the costs of protection for teachers who lose their TLR responsibility.*
9. The curriculum structure has been appropriate for the size of school, but is not flexible to current changes in student numbers and it is very expensive. It has not been “sized” as numbers fall and it does not allow sufficient student choice. *
10. There has been some move towards partnership learning both at Key Stage 4 and Post 16. Partnership working to expand student choice needs to be expanded substantially and there is a role for the LA in to use its influence to enable effective partnership working.
11. Pre-16 curriculum delivery seems to be traditional and teacher dominated. This approach is not sustainable if there is to be an increase in student choice which is essential. Staff skills will need to be enhanced to enable individual student approaches, and most staff will need to be capable of enabling multiple subjects. *
12. The Post 16 curriculum delivery uses good approaches for mixed age teaching, and a “stimulus and coaching” model requiring student to work both in teams and independently. Such approaches are the key to making Key Stage 4 viable. There is an implication for the delivery of Key Stage 3 to ensure that students are skilled to work independently.*
13. The school as well as moving co-educational should develop a unique character (Unique Selling Point) to attract and provide an appropriate challenging educational experience for students

ANNEX II

outside its immediate community area as well as those living locally. The expertise of the school in applied courses suggests that a STEM (Science, Technology, Engineering, Mathematics) specialism linked to vocational /practical learning would be most appropriate.

- 14. Action on each of these points does not necessarily mean that the school will remain viable with a sustainable future when a national funding formula is introduced – however, it should move the school towards having sufficient student numbers and spending patterns have a significant chance of being sustainable.**

* indicates areas that need more work to get a full data-based view

David A Snashall

June 2011

Version 2

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	14 July 2011
TITLE:	St Gregory's and St Mark's Sixth Form – Provision of Capital Funding
WARD:	All but specifically Odd Down ward
AN OPEN PUBLIC ITEM	

1 THE ISSUE

- 1.1 To seek agreement of the Council to the capital funding required for the provision of the new sixth form for St Gregory's and St Mark's Schools.

2 RECOMMENDATION

The Council is asked to agree.

- 2.1 Long term prudential borrowing of £2m be provided to support the estimated capital construction costs and related fees for the new sixth form.
- 2.2 The annual revenue borrowing cost for both interest and capital repayments estimated at £130,000 be considered as a priority commitment as part of the 2012/2013 Budget process.

3 FINANCIAL IMPLICATIONS

- 3.1 The Local Authority has agreed to purchase the additional site needed for St Gregory's and St Mark's Schools to provide new sixth form provision. This is in line with normal provisions for voluntary aided church schools and the land will be leased to the Diocese of Clifton and Diocese of Bath and Wells with details to be agreed between the parties.

- 3.2 The Council has committed a total of £2.4 million capital to the project within the capital programme including the cost of the above land and the Dioceses have allocated £376,000 of capital from the 2011/12 Local Co-ordinated Voluntary Aided Programme funding.

- 3.3 The total capital costs of £2.776m are broken down as follows:

- £400,000 - estimated land purchase costs.
- £2.376m – estimated construction costs and related fees.

- 3.4 The Council's long term provision of capital funding for the new sixth form assumes £400k is funded from the Schools Modernisation Grant with the balance of £2m now proposed to be met from additional prudential borrowing.

- 3.5 The additional annual revenue costs to meet the required £2m of new borrowing is estimated at £130,000 including interest and capital repayments over a period of 30 years.
- 3.6 The revenue funding for 6th form pupils will be supplied by the Young People's Learning Agency (YPLA) (or its replacement) under the funding mechanism for 6th form pupils. The numbers of pupils and their predicted achievements will affect the total resource available to the school.

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

- 5.1 In July 2010 the Cabinet agreed to support the federation of St Gregory's Catholic College and St Mark's Church of England School with a joint sixth form as part of the strategy for secondary schools in Bath. The proposal will contribute to the Council's aims of raising standards, increasing diversity and choice for parents and providing sufficient church places to meet the level of demand.
- 5.2 The Governing Body of St Gregory's have consulted on changing the age range of the school to add a sixth form and intend to publish a statutory notice for this proposal in 2011.
- 5.3 The proposal would add to diversity by providing faith based publicly funded school post-16 provision in the Local Authority where currently there is none. The Authority's surveys of parental preferences in 1999 and 2004 showed that 41% of those who expressed a preference wanted either a Catholic or Anglican school place. The school's surveys have shown the demand for post-16 places in a Christian setting.
- 5.4 The proposal would improve standards. Level 3 (AS and A-Level) attainment in the Local Authority is low in comparison to Level 2 (GCSE or equivalent) attainment which is above the national average. St Gregory's as a high-performing 11-16 school with an Ofsted rating of Outstanding and with attainment above local and national averages, especially in new academic measures such as the English Baccalaureate (43%), should help to improve educational achievement in the Authority at post-16.
- 5.5 The Governing Body has been granted Outline Planning Permission for the additional building that will be required as a result of the proposal.
- 5.6 The Council's long term provision of £2.4m of capital funding for the new sixth form currently assumes £400k is funded from the Schools Modernisation Grant with the balance of £2m being met from ring-fenced future capital receipts from the sale of surplus education property estate as part of the secondary school reorganisation in Bath.

- 5.7 As a result of other proposals, it is likely that these estimated future capital receipts will no longer be achieved and it is therefore necessary to seek alternative funding arrangements for this element of the capital costs.
- 5.8 The options for this £2m are limited to either meeting the costs wholly from the revenue budget or from additional long term borrowing. Given the revenue affordability implications it is recommended that the cost be met from additional long term prudential borrowing over a period of 30 years. The estimated annual revenue costs for this are estimated at £130,000.
- 5.9 In order to commit to this additional borrowing it will be necessary for the Council to agree these ongoing revenue costs as a priority commitment against the Budget for 2012/2013.
- 5.10 The proposal will contribute to the Council's strategy for secondary provision and as agreed by the Cabinet in July 2010 and add to diversity of provision by the addition of Christian faith based post-16 places in the Local Authority and in Bath.
- 5.11 The proposal has the support of pupils at the school, parents of pupils at the school, parents of pupils at St Mark's and parents of primary age pupils who expressed their desire for a sixth form at St Gregory's via the consultation process.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 6.2 This report seeks to address the significant uncertainty and risk surrounding the future use of ring-fenced capital receipts from the secondary school reorganisation in Bath to fund this project which are now considered unlikely to be realised.

7 EQUALITIES

An equalities impact assessment has been not been carried out as this decision concerns the approval for borrowing. An Equalities Impact Assessment will be carried out for any future decisions concerning the joint post-16 provision for St Gregory's and St Mark's.

- 7.1 The additional provision will add to diversity in Bath and the Authority as a whole by providing Christian faith based post-16 places where currently there is no provision of this type.

8 CONSULTATION

- 8.1 Stakeholders/Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 Social Inclusion; Sustainability; Property; Young People; Human Rights; Corporate; Other Legal Considerations.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) 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, Children's Service, 01225 395149
Background papers	Statutory Notice and Complete Proposal published by the Governing Body of St. Gregory's Catholic College (available on the school's website)
Please contact the report author if you need to access this report in an alternative format	