

Bath & North East Somerset Council

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| DECISION MAKER: | Cllr Chris Watt, Cabinet Member for Children's Service | | |
| DECISION DATE: | On or after 19 th February 2011 | EXECUTIVE FORWARD PLAN REFERENCE: | |
| | | 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 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.

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| Contact person | Helen Hoynes 01225 395169 |
| Background papers | 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 Statutory Notice and Complete Proposal to Close Culverhay School: www.bathnes.gov.uk/educationandlearning/Schoolsandcolleges/Pages/CulverhaySchoolProposalandStatutoryNotice.aspx |
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