

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	12 October 2011	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2303
TITLE:	Determination of the Statutory Notice to Revoke the 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 Representation Responses Report Appendix 2 The Future of Culverhay School Appendix 3 Equalities Impact Assessment		

1 THE ISSUE

1.1 The Council has published a legal notice proposing to be relieved of its duty to implement the proposal to close Culverhay School in Bath and a decision is now required to determine the proposal.

2 RECOMMENDATION

2.1 The Cabinet agrees to revoke the decision to close Culverhay School, Bath to enable the school to remain open.

3 FINANCIAL IMPLICATIONS

- 3.1 In preparation for the Cabinet meeting of the 14 July, an analysis of the revenue and capital implications associated with the option of keeping Culverhay School open was undertaken including an externally commissioned study.
- 3.2 The study identified that a staffing restructure is essential in order to provide a balanced budget in the short to medium term. Current staffing and school running costs exceed projected income which is primarily generated from pupil numbers. A one-off sum of £400,000 has been identified from the revenue budget contingency to support the required restructure.
- 3.3 The opportunity costs of keeping Culverhay open have been assessed as approximately £530,000 per year. If Culverhay School were to close this resource would be freed up to be allocated by the School's Forum to its priorities. If the resource were allocated to schools it would equate to approximately £24 per pupil. The £530,000 represents 0.469% of the £113m total funding available for schools through the Dedicated schools Grant
- 3.4 Further economies of scale would be generated by the Age Weighted Pupil Funding (AWPF). This funding would follow the pupils currently in the school who would attend other schools. This funding is estimated at £968,000. The receiving schools would be able to accommodate the pupils in more efficient larger classes.
- 3.5 In order for Culverhay School to be viable and to meet local parental preference for more co-educational places, essential capital works and improvements will be required. This will be provided by a one-off revenue contribution to capital of £300,000 which has been identified from the revenue budget contingency.
- 3.6 The specific arrangements for the governance and release of corporate headroom (which includes any amounts for which the purpose has not been specified in the budget report in relation to transfers to revenue budget contingency, the ongoing headroom allocations and the one off headroom allocations) are delegated to the Council's Section 151 Officer in consultation with the Cabinet Member for Resources and the Chief Executive together with the Chair of the CPR Overview & Scrutiny Panel.
- 3.7 The allocations set out above will be made from funding available within the Revenue Budget Contingency. This reserve will remain above its base line funding level of £1m after these allocations have been made.

4 CORPORATE PRIORITIES

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

5 THE REPORT

- 5.1 The background to the review of Bath secondary schools and previous decisions made including the proposal to close Culverhay School, together with information on the main issues and risks associated with the retention of Culverhay School as part of secondary school provision in Bath are set out in Appendix 2 'The Future of

Culverhay School'. The Cabinet will need to consider this information in reaching their decision.

5.2 A statutory notice proposing to revoke the notice to close Culverhay School was published on 28 July 2011 in line with the Department for Education (DfE) requirements for revocation of a previous decision. The representations received during the statutory notice representation period are contained in Appendix 1 Representations Responses Report. These include comments from the Schools Forum. Appendix 1 takes the form of an analysis of the main themes contained in the representations and officer comment on them (pages 1 to 3) and the full text of the representations at pages 3 onwards.

5.3 There are both advantages and disadvantages to revoking the notice to close Culverhay School. Not revoking the notice so that the school closes would:

- Reduce surplus places once the school closed at the end of August 2013.
- Enable the small school support funding and AWPf to be directed to other schools.
- Possibly release capital from the sale of the parts of the site that could be disposed of for housing, employment or commercial uses etc. which could be directed to other school buildings. The whole site does not lend itself to disposal for the above purposes as it is within the green belt and the playing fields would have been retained. If the Secretary of State was to approve a Free School on this site, the site would not be available for disposal and there would be no capital receipt.
- Likely to result in higher redundancy costs compared to the redundancy and restructuring costs of reducing the staffing level down to that required to run a smaller school.
- Result in no secondary school provision on the Culverhay site with longer journeys to other schools for some pupils.
- Lead to dissatisfaction by the local community that a school had not been kept on the Culverhay site.

5.4 Revoking the notice to close the school so that it remains open would have the following advantages and disadvantages:

- Likely to result in lower redundancy costs compared to the costs involved in closing the school.
- Allows pupils to continue to receive secondary school provision on this site without the need to travel to another school further away.
- Avoids disruption to existing pupil's education as they would not have to move to a new school or go through the transition process leading to closure.
- Preserves more surplus places in the city to meet anticipated future demand.
- No possibility of any capital receipt from the disposal of part of the site.

- No possibility of re-directing revenue to other schools.
 - Requirement to carry out building improvements and capital works to adapt the school to co-educational provision
- 5.5 The school and the local community are strongly in favour of retaining a secondary school on this site and for it to be able to admit both boys and girls. The school has been very clear for over 15 years that its aim was to become co-educational. This could be achieved either by Culverhay becoming an Academy and then becoming co-educational or by a co-educational Free School occupying the site. The school and community have had an opportunity to make applications to the Secretary of State to this effect and a Free School proposal has been submitted and Culverhay School Governing Body has submitted an Academy proposal. It is for the Secretary of State to decide whether the secondary school on this site should be a Free School or an Academy and both of these proposals are currently under consideration.
- 5.6 There are currently approximately 1,300 places in the city that are not filled by pupils living in the Greater Bath Consortium catchment area (GBC) or in the wider catchment area for St. Gregory's Catholic College. Approximately 540 of these places are filled by pupils who do not live within the area stated above. These pupils are choosing to be educated in Bath and North East Somerset and the places they take up are not considered to be surplus places in the same way as the remaining 760 unfilled places.
- 5.7 The remaining 760 unfilled places are considered to represent an acceptable level of surplus within the city. It is necessary to have a number of unfilled places across the city to ensure that there is some parental choice. In the future, more places than are currently required will be needed in order to meet the anticipated increase in demand from new housing developments and higher numbers of secondary age pupils as a result of recent increases in birth rates, which will serve to reduce the number of unfilled places.
- 5.8 If these unfilled places are retained, the need to add more places to other schools in future years will be reduced.
- 5.9 The proposal to keep the school open is expected to contribute to the five areas of Every Child Matters by helping children to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.
- 5.10 The proposal is expected to have a positive impact on community cohesion by ensuring that secondary school provision will continue to be delivered on this site and this will be further enhanced once the school becomes co-educational. It is intended that a school on this site will be at the heart of its community, promoting community cohesion, sharing facilities with other schools and the wider community and providing a venue for the delivery of community and extended services.
- 5.11 The proposal will provide the school with an opportunity to improve educational standards and learner satisfaction and raise participation rates for 16 – 19 year olds by the involvement of a strong Academy sponsor with a proven track record in raising standards.

5.12 For a number of years, parents have expressed a strong demand for more co-educational non-denominational places in Bath. The proposal will aid choice and diversity by the creation of additional non-denominational co-educational places in the city. This is in addition to non-denominational single sex provision for boys and for girls, Church of England and Catholic co-educational provision and two other schools offering co-educational non-denominational provision in the city.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

6.2 If the decision to close Culverhay School is revoked there would be more places available for boys than girls at single sex schools in Bath. The duty is to ensure that sufficient numbers of single sex places are available to meet the demand for them, not to provide an equal number of places and a mere difference in the number of single sex places available for boys and girls is not an act of sex discrimination. Officers consider that on the basis of current and anticipated demand for single sex places, the duty will still be met if the closure is revoked. It is intended that the school will become co-educational at the earliest opportunity, leaving one single sex school for girls and one single sex school for boys in Bath.

6.3 There will continue to be higher capital maintenance costs if seven schools need to be maintained rather than just six, however if the school becomes an Academy, this would cease to be the responsibility of the Local Authority.

6.4 If the school stays open but is unable to increase pupil numbers and therefore income to the level necessary, this will result in unsustainable running costs.

6.5 If the school stays open but is unable to raise educational standards this will lead to poor educational outcomes.

6.6 If the school closes, revenue could fall as pupil numbers decline during the transition period leading to closure, resulting in a significant deficit budget. Also, should the school contract in size more rapidly than planned this could cause the school to become very small and unable to maintain a viable curriculum.

7 EQUALITIES

A proportionate equalities impact assessment has been carried out using corporate guidelines. This is attached as Appendix 2.

7.1 This proposal is not expected to have an impact on the equality areas of age, transgender, race, disability, sexual orientation, and rural communities.

7.2 The proposal is expected to have a positive impact on the equality areas of:

- Gender (including pregnancy and maternity) - if the school was to stay open and then become co-ed this would result in the loss of single sex places for boys. However there would be other places available for boys in the city both at one remaining single sex school and at four other co-educational schools. The remaining single sex school for boys (Beechen Cliff Academy) is located towards the centre of the city, ensuring equality of access to all pupils living in the GBC area. The single sex school for girls (Hayesfield Academy) is also centrally

located. Girls living in the SW Bath area of the city currently have to travel out of the immediate area to access a school place and therefore the travel distances for boys and girls would be of a similar length if the school became co-educational. There would be more places available for boys than girls at single sex schools in Bath in the short term before the school becomes co-educational, however Officers consider that demand from both genders can still be met if the closure is revoked.

- Socio-economic disadvantage – the involvement of a strong Academy sponsor with a record of high educational achievement should benefit pupils at the school by raising standards and attainment which should in turn lead to higher achievement and improved life chances for children who are socio-economically disadvantaged.
- Religion or belief - if the school stays open as a co-educational non-denominational school it will serve to provide more non-denominational co-educational school places in the city.

8 RATIONALE

8.1 Revoking the decision to close Culverhay School to enable the school to remain open is the best way to deliver the Council's main priorities for Culverhay School, which are:

- To ensure excellent educational provision for all children in the area;
- To allow girls to attend the school;
- To address the school budget deficit.
- To encourage the school to collaborate with other schools to enhance educational standards and to narrow the attainment gap between those pupils who are achieving good results and those who do not currently reach the same level, by improving outcomes for lower achieving pupils.

8.2 Keeping the school open will allow the Governing Body to pursue Academy status and to become co-educational at the earliest possible opportunity.

8.3 Keeping the school open on this site will aid accessibility for local pupils, particularly those living in south west Bath who may otherwise have had to travel further to attend another school.

8.4 Additional funding has been made available to make modifications to the school buildings, to support the school in addressing overstaffing and restructuring and to allow the school to pursue the option of becoming an academy and then becoming co-educational. An externally commissioned study has shown that a relatively small school with a pupil centred curriculum can be viable. The additional flexibilities and benefits of becoming an academy in partnership with a strong sponsor experienced in raising pupil attainment and achievement support the ambitions of the school and therefore closure of the school is now inappropriate.

8.5 The representations received during the statutory notice representation period have been taken into consideration in making the recommendation to revoke the notice to close Culverhay School.

9 OTHER OPTIONS CONSIDERED

9.1 To close the school. This option was rejected as the school and the local community wish to keep the school open and for it to become co-educational in order to provide more co-educational secondary school places in this area of the city. Closing the school would serve to increase home to school travel distances for some pupils. There could be higher redundancy costs if Culverhay was closed and a negative impact on community cohesion if a school was not provided in the local community. Closure would result in less places being available to facilitate parental choice and in preparation for anticipated increased future demand. The Governing Body wish the school to become an academy and keeping the school open will allow the Governing Body to pursue this option with the Secretary of State.

9.2 For the school to remain open as a boys school. It is not a realistic option for the school to remain single-sex as there is insufficient demand for single sex places for boys to support two boys only schools in the city. Also this would create a permanent imbalance of boys single sex places to girls single sex places in Bath. It is accepted that there will be a temporary imbalance of boys and girls single sex places until the school becomes co-educational. It is intended that the school will become co-educational at the earliest opportunity, leaving one single sex school for girls and one single sex school for boys in Bath.

9.3 For the school to remain open as a Local Authority Community or Foundation school. Since the school has already applied for Academy status, there is no realistic option for the school to remain in the Local Authority as a Community or Foundation school. There are financial benefits to the school becoming an Academy as it would have access to funds from central government that would not be available to the school if it was to remain as a maintained Community or Foundation school. If Culverhay School was an Academy it would also be able to benefit educationally via the involvement of a high performing Academy sponsor.

9.4 As the new Department for Education (DfE) requirement is for all secondary schools to ensure that at least 50% of pupils achieve a minimum of 5 A*-C GCSEs including English and Maths, it should be noted that as Culverhay School does not meet this requirement, the DfE would have pressed the Authority and the school Governing Body to become a sponsored academy had they not already expressed an interest in doing so.

10 CONSULTATION

10.1 Ward Councillor; Cabinet members; Trades Unions; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Stakeholders/Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer.

10.2 Extensive consultation on the original proposal to close the school was carried out with service users, stakeholders, trades unions, Ward Councillors, other local authorities and staff at the school via meetings held in the local area and consultation documents that were made available in hard copy or electronically.

10.3 The Headteacher at Culverhay School kept staff at the school informed of the Cabinet decision to publish a notice to revoke the decision to close the school.

10.4 The Council wrote to stakeholders and partners such as the Church of England and Roman Catholic diocesan boards, all schools and colleges and Children's Services staff to inform them of the Cabinet decision to publish a notice to revoke the decision to close the school.

10.5 A number of objections were received during the representation period and these have been considered as part of the consultation process (see Appendix 1).

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Sustainability; Human Resources; Property; Young People; 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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Sponsoring Cabinet Member	Councillor Nathan Hartley
Background papers	Statutory Notice: Proposal to Revoke the Notice to Close Culverhay School, Bath E2233R Reconsidered Decision - Statutory Notice to Close Culverhay School E2289 Culverhay - Next Steps
Please contact the report author if you need to access this report in an alternative format	