

DECISION-MAKER:	CABINET MEMBER FOR CHILDREN'S SERVICES		
SUBJECT:	PRIMARY DEVELOPMENT – STATUTORY CONSULTATION		
DATE OF DECISION:	16 APRIL 2013		
REPORT OF:	DIRECTOR OF PEOPLE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

In January and February 2013 Childrens Services and Learning sought and secured approval from Cabinet to enter into pre-statutory consultation with 10 existing infant and junior schools to establish five all through primary schools. This paper summarises the consultation responses and seeks approval to enter into statutory consultation.

Since early 2012 the Local Authority have been encouraging infant and junior schools to consider the option of merging if one of three scenarios arises. These are:

1. When the governing bodies of linked infant and junior schools seek support to establish a primary school.
2. If a headship of a linked infant or junior school becomes vacant.
3. If a school, with a linked school, is placed in special measures through an Ofsted inspection.

One of these three scenarios has arisen at each of the following five pairings of infant and junior schools:

- Bitterne Park Infant and Junior – headteacher vacancy at the infant school from December 2012.
- Oakwood Infant and Junior – headteacher vacancy at the infant school from July 2013.
- Tanners Brook Infant and Junior – headteacher vacancy at the junior school from July 2013.
- Valentine Infant and Heathfield Junior – the Chair of Governors of the federated schools' governing body has asked the Local Authority to investigate the primary option, and the junior school has been placed in special measures through an Ofsted category.
- St Monica Infant and Junior - headteacher vacancy at the junior school from July 2013.

Following Cabinet approval on 29 January 2013 and 19 February 2013, six weeks of pre-statutory consultation has taken place with the ten schools on the proposal to close one of the schools and extend the age range of the other.

The Local Authority is responsible for school reorganisation, see legal implications. This means the Local Authority manages the consultation and decision making process on whether to establish a primary school for a community maintained school. The governing bodies of the individual schools are responsible for implementing the decisions.

RECOMMENDATIONS:

- (i) To consider the outcome of pre-statutory consultation and approve the commencement of six weeks of statutory consultation, 25th April to 6th June on proposals to:
- Discontinue Bitterne Park Infant and extend the age range of Bitterne Park Junior, to establish a primary school from the 1st September 2013.
 - Discontinue Tanners Brook Junior and extend the age range of Tanners Brook Infant, to establish a primary school from the 1st September 2013.
 - Discontinue Oakwood Infant and extend the age range of Oakwood Junior, to establish a primary school from the 1st January 2014.
 - Discontinue Heathfield Junior and extend the age range of Valentine Infant, to establish a primary school from the 1st January 2014.
 - Discontinue St Monica Junior and extend the age range of St Monica Infant, to establish a primary school from the 1st January 2014.

Cabinet will be asked to consider the consultation responses and make a final decision on the establishment of five primary schools on 18th June 2013 or 16th July 2013.

- (ii) To delegate authority to the Director of Children's Services and Learning, following consultation with the Head of Legal, HR and Democratic Services, to determine the final format and content of consultation in accordance with statutory and other legal requirements.
- (iii) Subject to complying with Financial and Contractual Procedure Rules, to delegate authority to the Director of Children's Services and Learning, following consultation with the Cabinet Member for Children's Services, to do anything necessary to give effect to the recommendations in this report.

REASONS FOR REPORT RECOMMENDATIONS

1. Children's Services and Learning are working with the Education Leaders in the City to develop all through primary schools in place of infant and junior configurations. This development is not a criticism of the infant and junior model. The intention is to pursue the development of all through primary schools if/where the situation allows.

For instance:

- i. When the governing bodies of linked infant and junior schools seek support to establish a primary school.
 - ii. If a headship of a linked infant or junior school becomes vacant.
 - iii. If a school, with a linked school, is placed in special measures through an Ofsted inspection.
2. One of the three scenarios has arisen at all of the ten pairings of schools included in this report:
 - Bitterne Park Infant School – head teacher vacancy, scenario (2), hence the proposal is to discontinue the infant and extend the age range of Bitterne Park Junior, thus forming an all through primary,
 - Oakwood Infant School – headteacher vacancy from July 2013, scenario (2), hence the proposal is to discontinue the infant and extend the age range of Oakwood Junior, thus forming an all through primary.
 - Tanners Brook Junior School – headteacher vacancy from July 2013 scenario (2), hence the proposal is to discontinue the junior and extend the age range of Tanners Brook Infant, thus forming an all through primary.
 - Valentine Infant and Heathfield Junior – governors expressed an interest in pursuing the primary option and Heathfield Junior has been placed in special measures following Ofsted Inspection in January 2013, scenarios (1) and (3), hence the proposal is to extend the infant and discontinue the junior.
 - St Monica Junior School – headteacher vacancy from July 2013, scenario (2), hence the proposal is to discontinue the junior and extend the age range of St Monica Infant, thus forming an all through primary.
3. If the recommendations in this report are approved, the second of two six week consultation periods would take place. This is known as statutory consultation and will involve the publication of statutory notices at the ten schools included in this report, in the local newspaper and sent to the DfE's School Organisation department. The statutory consultation would begin on 25th April 2013 and close on the 6th June 2013. Following the closure of the consultation a final report will be produced and presented to Cabinet on 18th June 2013 or 16th July 2013. This report will summarise the consultation responses and make a final recommendation.
4. Table 1 details the number of infant and junior school pairings. Five of the school pairings in the table are involved in the consultation being led by the Local Authority. One school pairing – Bitterne C of E Infant and Junior are scheduled to begin pre-statutory consultation with stakeholders at the end of April. A report will be submitted to cabinet to approve the outcome of the consultation in November 2013.

Table 1: School pairings	Current status
Fairisle Infant and Junior	Maintained schools
Ludlow Infant and Junior	Separate Academies
Shirley Infant and Junior	Separate Academies – members of same Trust
Hollybrook Infant and Junior	Infant Academy, Junior transitioning later
Bitterne C of E Infant and Junior	Maintained school - undertaking separate consultation
Bitterne Park Infant and Junior	Included in this consultation
Tanners Brook Infant and Junior	Included in this consultation
Oakwood Infant and Junior	Included in this consultation
Glenfield Infant and Beechwood Junior	Maintained schools
Maytree Infant and Mount Pleasant Junior	Maintained schools
Sholing Infant and Junior	Maintained schools
St Monica Infant and Junior	Included in this consultation
Townhill Infant and Junior	Maintained schools
Valentine Infant and Heathfield Junior	Included in this consultation

5. The Local Authority favours the primary model, where the situation arises, for the following reasons:
6. **Educational outcomes – benefits, all through primary schools:**
 - Are in a stronger position to plan for continuity and progression through the key stages of learning, Early Years, Key Stage 1 and 2.
 - Provide longer timescale for schools to work closely with families - year R to year 6 - seven years to develop successfully children’s education progress.
 - Provide opportunities for pupils to work and play together over a longer period of time and develop greater understanding of diverse strengths, skills and personalities, which help them in later life.
 - Offer consistent approaches to inclusion, absences etc.
 - Increased opportunities for social development with older pupils having some appropriate pastoral responsibilities for younger children.
7. **Professional outcomes – benefits, all through primary schools:**
 - Provide staff with greater opportunities to gain a broader and deeper understanding of the learning continuum for children from 4 to 11 years.
 - Build capacity in issues of staffing and can better plan for succession.

8. **Efficiency – benefits, all through primary schools:**
- A single, larger budget offers the opportunity to deliver quality more efficiently, through greater economies of scale.
 - Reduced spend on leadership and governance arrangements.
 - Increased spend on front line teachers, as a percentage of the whole school budget.
9. **Parental – benefits, all through primary schools:**
- There is a direct benefit to parents in the admissions process. Parents have to apply to secure a place in an infant school, at year R and a junior school, at year 3. Only one application is required for primary school – for admission to year R.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. Three alternative options have been considered and rejected. See paragraph's (10), (11) and (12).
11. Alternative options (1) to discontinue the school that we are proposing to extend the age range of could be put forward, but this has been discounted for the following reasons:
- Bitterne Park Schools – the infant has an acting headteacher whilst the junior has a permanent leadership and headteacher arrangement in place.
 - Oakwood School – the infant school will have a headteacher vacancy from July 2013 whilst the junior has a permanent leadership and headteacher arrangements in place.
 - Tanners Brook Schools - the junior school will have a headteacher vacancy from July 2013 whilst the infant has a permanent headteacher arrangement in place.
 - Valentine Infant and Heathfield Junior – the infant has a 'good' Ofsted rating whilst the junior has been placed in special measures by Ofsted. It is not appropriate to expand a school judged as failing by Ofsted above a school judged as 'good'.
 - St Monica Schools – the junior school will have a headteacher vacancy from July 2013 whilst the infant has a permanent headteacher arrangement in place.
12. Alternative option (2), to close both schools in each pairing and open a brand new primary school (with a new DfE number). Legislation dictates that when seeking to establish a new school the presumption is that this be an academy/free school. If there is no academy/free school proposal a statutory competition can be held, with the Secretary of State's consent. Alternatively, the consent of the Secretary of State is not required if the proposal is to create a primary school that is to replace maintained infant and junior schools (the Office of the Schools Adjudicator would make the decision on this proposal). This option has been discounted because the Governors of the ten schools do not wish to become an academy at this point and, in addition, the competitive process to establish a new primary school is quiet lengthy and would disrupt the existing leadership and governance structures that are currently in place at the schools. We would also like to keep the decision making process for these proposals at a local level.

13. Alternative option (3) is that the schools that have, or are due to have, a headteacher vacancy, recruit a new headteacher and the pairings of schools remain as separate infant and juniors. This option has been discounted because the Local Authority has a preference for all through primary schools.

DETAIL (Including consultation carried out)

14. Seven weeks of pre-statutory consultation (six weeks during term time) took place on proposals for eight of the schools, Bitterne Park, Oakwood, Tanners Brook and Valentine & Heathfield. This ran from 6 February to the 27 March 2013. The consultation for the St Monica Schools ran from 27 February until 10 April 2013.
15. A consultation document and response form, see Appendix 1, were sent to 3,316 stakeholders (2,826 parents and 490 staff) at the ten schools included in this report. In addition there were at least two consultation meetings at each pairing of schools; one for staff across the two schools and one for parents and carers of children in the two schools. Parents were notified of the consultations events via the consultation booklet. This document was circulated on the first day of the consultation.
16. A total of 207 written (a response rate of 6%) consultation responses were received, the majority of which (190 or 92%) were from parents. The full responses are contained in Appendix 2 and a summary of the number and types of responses including the Local Authority responses are recorded in points 19 to 23. In addition 107 parents/carers attended six consultation events. During the statutory consultation period further parent consultations will be scheduled. These will be between the current chairs of governors and headteachers.
17. Of the 207 responses received, 164 (80%) support the concept of primary development but 59 (29%) would like the alternative school to close.
18. There were some consistent responses across the ten schools, these included:
 - Support for the concept of primary education.
 - Is this proposal a cost saving exercise?
 - Who will be the governing body of the new primary school?
 - Can one headteacher operate across two separate buildings/sites?
 - Who appoints the headteacher to the new primary school?
 - Will there be a new uniform and will parents be charged?
 - Why not open a new school?
 - Will there be funding to link school buildings – capital investment?
 - Will schools receive support from the Local Authority?The Local Authority's response to these are:
 - The motivation for the merger is not cost saving. The only difference in school funding will be that the primary would receive one lump sum payment instead of two lump sums, as is currently the case. Education funding is ring fenced for schools and has to be spent across the school estate.

- The governing body of the primary school has to be the governing body of the school which is expanding. The Local Authority has requested / strongly advised that the governing body invites representatives from the closing schools governing body to join. All governing bodies have indicated that they will be seeking representation from the closing school to join the new constituted governing body.
 - There is an evidence base in the city of one headteacher operating effectively over more than one school building /site. There are a range of leadership models for schools. This includes: single headteacher for one school, Executive Headteacher across several schools. Both models are operated across the city and are successful.
 - The confirmation of the new Headteacher is the Governing bodies responsibility. There are no Local Authority plans to change the uniform, although this would be a decision for the primary governing body. The Local Authority would discourage actions that place a financial burden on any parents.
 - A new school would mean closing both school's (thus losing the existing leadership / governance structures), it would be an academy/free school (taking it outside Local Authority control), would require a competition process (which is lengthy) and / or would require a decision from the Office of the Schools Adjudicator (taking the decision making process away from local decision makers).
 - There is no dedicated capital to link the buildings, however schools forum have been asked to commit a resource to the primary development programme, which could be used for very small capital works.
 - The Local Authority has set up a primary development support programme to ensure headteachers and governing bodies are supported in all aspects of the process. The Local Authority is committed to ensuring that all merged schools become Outstanding as soon as possible.
19. Consultation responses from Bitterne Park Infant and Junior. 59 written responses were received and 70 parents/carers attended the parent consultation events. There are 624 children in the two schools. The main issues / questions specific to the schools were:
- Generally there was little opposition to creating a primary from the two schools or for the junior headteacher becoming the primary Headteacher
 - There was some support for the proposal to develop a primary, but opposition towards closing the infant and expanding the junior. Many parents would prefer an infant expansion and junior closure to maintain the ethos of the infant school.
 - The main objection to this proposal is that some parents are opposed to having a headteacher that works across three schools (which would be the case if this were taken forward).
- Local Authority response:
- In line with the Local Authority's policy and for consistency's sake, it is proposed that the school with the headteacher vacancy be discontinued. However, while the term discontinue is used the proposal is to bring both schools together.

- The junior headteacher has a track record of improving standards at school in the city and the Local Authority are confident that she and the senior leadership team could suitably run the proposed primary.
20. Oakwood Infant and Junior – 19 written responses were received and 13 parents/carers attended the parent consultation event. There are 417 children in the two schools. The main issues / questions specific to the schools were :
- Bringing the schools together is a positive move with support for the junior headteacher to become the primary headteacher.
 - Loss of infant school environment, ethos and strengths if it is discontinued and the focus will shift from early years to keys stage 2.
 - Will the size of the school increase?
 - Why weren't other options e.g. federation or executive headteacher put forward?
 - What will admissions arrangements be?

Local Authority response:

- As there is a Headteacher in post they must be offered the position as the primary Headteacher. The Local Authority is confident that the Junior Headteacher and leadership team have the skills to lead a successful primary school.
 - The Local Authority have set up a support programme to support the schools.
 - The school will continue to have up to 60 pupils in each year group.
 - Only the governing bodies could put forward a proposal to federate the schools
 - Admission arrangements will be unchanged for September 2013 entry. For September 2014 parents will not need to apply for a year 3 place at Oakwood.
21. Tanners Brook Infant and Junior – 38 written responses were received and 8 parents/carers attended the parent consultation event. There are 585 children in the two schools. The main issues / questions specific to the schools were:
- There is support for the merger
 - Will the resource base for deaf children be affected?
 - The school will be very large – is 4FE primary standard size?
 - Can the junior advertise for a headteacher and what would happen if the junior had a headteacher in post?
 - Is infant headteacher qualified to run a primary?
- Local Authority response:
- There are no plans to alter the level of resource in the service provided for deaf children at either school at part of this proposal.
 - If the proposal were approved it will be a large primary school (along with the Valentine and Heathfield merger). Pupil number will be monitored closely to ensure that the capacity of the school matches pupil demand.

- It would be difficult for the junior school to recruit a headteacher in the midst of a merge consultation.
 - The Local Authority are confident that the headteacher and leadership team can lead a primary school.
22. Valentine Infant and Heathfield Junior – 28 written responses were received and 2 parents/carers attended the parent consultation event. There are 573 children in the two schools. The main issues / questions specific to the schools were :

- There was support for the merger but some concerns about the infant School taking the leading role at the primary.
- That the merger is being considered due to reputation and Ofsted rating as Heathfield Junior is in special measures.
- Will it be one big school?
- Will class sizes get bigger?
- What will the Ofsted rating be?
- Will there be disruption?
- Would there be an increase in bullying?

Local Authority response:

- The merger is being put forward in order to improve standards across both schools, especially in junior year groups.
- The primary will be the same size as the combined infant and junior schools the primary will occupy the current buildings. Infant classes cannot be bigger than 30 pupils per class, although this does not apply to junior classes. There is no intention to increase class sizes.
- The Ofsted rating for the new primary will be the Ofsted rating of the expanding school – in this instance that will be ‘Good’, as Valentine Infant is graded ‘Good’ by Ofsted.
- The Local Authority will work with the leadership team to limit disruption.
- There is no reason/evidence to believe that this proposal would increase incidences of bullying.

23. St Monica Infant and Junior – 63 written responses were received and 14 parents/carers attended the parent consultation events. There are 627 children in the two schools. The main issues / questions specific to the schools were :

The following issues were raised:

- The size of the school and one headteacher managing both sites.
- How much involvement will the junior governing body will have in the process?
- Staffing structures – deputy headteacher at both sites?
- Will teachers work across all year groups?

Local Authority response:

- One Headteacher can manage a split site school and we have an example of this across the city; Highfield Primary School.

- The governing body of the junior will be heavily involved in discussing exploring the merger option. A monthly steering group has been set up across the pairing of schools to ensure full engagement.
- The Local Authority are confident that the governing body and leadership, Headteacher will develop a leadership structure appropriate to a split site school.
- The current approach to deployment of teaching staff will continue within the primary school for instance teachers agree with the leadership team what their work plan will be for the next year.

RESOURCE IMPLICATIONS

Capital/Revenue

24. Four of the pairings of infant and junior schools (Bitterne Park, Oakwood, Tanners Brook and Valentine/Heathfield) are co-located on the same sites so no significant capital works will be required. St Monica Infant and Junior are on separate sites but are close by. Whilst individual schools would like to explore opportunities for physically linking the two schools, through a walk way or observatory, it is not necessary. Consequently there is no anticipation that there will be significant capital implications if the proposal is implemented after consultation. Some alterations may need to be made to signage and insignia at the schools. Changes may also need to be made to telephone, IT, fire alarm and security systems – so that they operate across both school buildings – if the proposals are taken forward. These costs can be met from the Children’s Services budget. The allocation of any funding will be at the Local Authority’s discretion and will be considered on a case by case basis.
25. The revenue costs of all schools are funded through the Dedicated Schools Grant. The number of pupils at the school will not alter as a result of this proposal so the school will receive a budget similar to the combined budgets of the current infant and junior schools minus one flat rate allocation, estimated to be £114,000 in 2013/14. However, the Minimum Funding Guarantee ensures that in each case the new primary school would lose no more than 1.5% per pupil of the combined infant and junior school budgets. The reduction of spend on the flat rate will be reinvested across all the schools in the city.
26. St Monica Primary may be eligible for additional split site funding as the infant and junior schools are located on separate sites. This is the same as Highfield C of E Primary school.

Property/Other

27. There are no property implications as a result of this proposal. The schools will continue to operate on the same site and in the same buildings, only under the guise of one primary school as opposed to separate infant and junior schools.
28. The staffing structures of the school will be agreed by the Governing body of each school. Creating larger all through Primary schools will provide enhanced professional development opportunities for the workforce, see point 7. It is anticipated that there will be no changes to the teaching workforce.

29. The school may be required to reorganise the structure of staff, for instance: administrative staff, site manager, caretakers, cleaners, if this proposal is approved. There will be no TUPE transfer of staff as all employees at the schools are employed by Southampton City Council and will continue to be so if the proposals are implemented. Any reorganisation or restructure would not take place until the proposal had been approved. Trade unions would be consulted with about any proposed staffing changes.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

30. Alterations, changes, creation or removal of primary provision across the city is subject to the statutory processes contained in the School Standards and Framework Act 1998 as amended by the Education and Inspections Act 2006. Proposals for change are required to follow the processes set out in the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007 as amended. Discontinuance (closure) of schools is governed by the School Organisation (Establishment and Discontinuance of Maintained Schools)(England) Regulations 2007.
31. Statutory Guidance on bringing forward proposals applies, which requires a period of pre-statutory consultation (and additional rounds of pre-statutory consultation if further viable options are identified during initial consultation) which must take part predominantly within school term time to meet the requirements of full, open, fair and accessible consultation with those most likely to be affected (pupils, parents and staff often being on vacation or otherwise unavailable during school holiday periods) followed by publications of statutory notices, representation periods and considerations of representations by Cabinet. It is statutory consultation which is the subject of this cabinet paper.

Other Legal Implications:

32. In bringing forward school organisation proposals the Local Authority must have regard to the need to consult the community and users, the statutory duty to improve standards and access to educational opportunities and observe the rules of natural justice and the provisions of the Human Rights Act 1998, article 2 of the First Protocol (right to education) and equalities legislation.

POLICY FRAMEWORK IMPLICATIONS

33. This proposal is in accordance with the Children and Young People's Plan.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	Bitterne Park, Millbrook, Coxford, Sholing
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SUPPORTING DOCUMENTATION

Appendices

1.	Consultation documents
2.	Written responses to consultation

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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