

## CABINET MEETING – 18 JULY 2012

### EXECUTIVE SUMMARY SHEET – PART I

**Title of Report:**

HYLTON RED HOUSE PRIMARY/BISHOP HARLAND CE PRIMARY SCHOOLS - FIRST STAGE CONSULTATION ON FUTURE ARRANGEMENTS

**Author(s):**

Executive Director of Children's Services

**Purpose of Report:**

The purpose of this report is to describe the current position with regard to Bishop Harland CE and Hylton Red House Primary Schools and seeks approval to progress options to address future arrangements at both schools to the first stage of consultation.

**Description of Decision:**

Cabinet is recommended to:

- i. Consider the proposal to progress to the first stage of consultation on options to re-organise the existing Bishop Harland CE and Hylton Red House Primary Schools.
- ii. Should the recommendation to proceed to the first stage of consultation be agreed, to receive feedback on the outcomes of this at 10<sup>th</sup> October meeting of Cabinet

**Is the decision consistent with the Budget/Policy Framework?      \*Yes/No**

**If not, Council approval is required to change the Budget/Policy Framework**

**Suggested reason(s) for Decision:**

Both Bishop Harland CE and Hylton Red House Primary Schools are on an improvement journey, having recently been subject to Department for Education (DfE) scrutiny as schools in an Ofsted category or of concern. Both have significant levels of surplus places currently which present challenges in the sustainable delivery of effective education moving forward. Informal consultation between the Council, the Church of England Diocese of Durham, and the two governing bodies has indicated support for a local solution.

**Alternative options to be considered and recommended to be rejected:**

This report seeks approval to begin a first stage consultation on options to address the sustainability and performance of both schools. Potential options will be considered as part of the consultation process and taken forward or rejected as a result of this consultation.

**Impacts analysed:**

**Equality**  **Privacy**  **Sustainability**  **Crime and Disorder**

**Is this a “Key Decision” as defined in the Constitution?** **Yes**

**Relevant Scrutiny Committee:**

Scrutiny

**Is it included in the Forward Plan? Yes**

**HYLTON RED HOUSE PRIMARY/BISHOP HARLAND CE PRIMARY SCHOOLS – FIRST STAGE CONSULTATION ON FUTURE ARRANGEMENTS****REPORT OF THE EXECUTIVE DIRECTOR CHILDREN'S SERVICES****1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to describe the current position with regard to Bishop Harland CE and Hylton Red House Primary Schools and seeks approval to progress options for the future arrangements at both schools to the first stage of consultation.

**2. DESCRIPTION OF THE DECISION**

- (i) Consider the proposal to progress to the first stage of consultation on options to re-organise the existing Bishop Harland CE and Hylton Red House Primary Schools;
- (ii) Should the recommendation to proceed to the first stage of consultation be agreed to receive feedback on the outcomes of this at 10<sup>th</sup> October meeting of Cabinet.

**3. BACKGROUND**

- 3.1 Bishop Harland CE Primary School and Hylton Red House Primary School both serve the Hylton Red House Estate in the North of the City. They have Published Admission Numbers (PANs) of 30 and 60 and net capacities of 210 and 427 respectively. Bishop Harland has a nursery which provides 26 part time places. A separate, stand alone, nursery school sits at the entrance to Hylton Red House Primary School.
- 3.2 The current numbers on roll are 143 at Bishop Harland and 330 at Hylton Red House, a total of 473. The number of surplus places is 67 and 97 respectively, a total of 164 between the two schools. This equates to approximately 25% surplus places.
- 3.3 Hylton Red House Primary School was placed in a Special Measures category by Ofsted in June 2008. Following the appointment of the current headteacher and the establishment of a new governing body, in June 2010 the school was judged to be good. A further Ofsted Inspection took place in early July 2012, the outcome of which will be reported to Cabinet. In September 2010, Bishop Harland Primary School was judged by Ofsted to be making inadequate progress to address key improvements identified in its 2009 Ofsted Inspection (which was satisfactory overall). The school subsequently had difficulty in recruiting a substantive headteacher and in consultation with the Local Authority and the governing bodies of both schools it was proposed that the headteacher at Hylton Red House take on this role on a temporary basis. This has led to a 'soft' federation between the two schools which has created successful joint working between teaching staff and governors in a number of curriculum and pastoral areas. Children from both schools now also take part in joint learning. Bishop Harland CE School has recently had an Ofsted inspection and is now judged to be satisfactory. Nevertheless, there are still significant national drivers which may impose a different organisational model for one or both schools.

- 3.4 In recent years both schools have faced and dealt with significant challenges in terms of Ofsted inspection. The surplus places in each school also present budgetary challenges which could impact on the ability to sustain and progress their substantial improvements made to date.
- 3.5 The schools have already begun to reap the educational benefits brought about by working together and joining up resources. One option therefore is to formally join the two schools by closing both existing schools and opening a new voluntary aided school on the Hylton Red House site. Bringing the two schools together as one school for the community at Red House will make the resulting school sustainable for the future and will be positioned to create positive educational benefits for the delivery of education. Reducing surplus places and reconfiguring school provision can also have clear educational benefits: having the appropriate size school has a beneficial impact upon schools' delivery of teaching and learning including class size organisation. An excess of places ties up resources that could otherwise be invested in teaching and learning.
- 3.6 Initial consultation with the governing bodies of both schools also included consultation with Hylton Red House nursery staff and governing body, who were asked to consider whether the nursery should be part of the proposal. Following discussion, Governors of the nursery school did not wish to progress this further. As Bishop Harland CE School has a nursery with 26 part time places, if the two schools were brought together as one school on the Hylton Red House site, it is proposed that the nursery class be transferred to Hylton Red House Nursery School.
- 3.7 The governing bodies of both Bishop Harland and Hylton Red House schools have worked in partnership with officers of the council and the Church of England Diocese, over a period of time to consider options for an innovative solution to provide a sustainable and robust future for primary education to serve the Hylton Red House community.

#### **4. CURRENT POSITION AND POTENTIAL OPTIONS FOR CONSULTATION**

- 4.1 Several options have been considered and legal advice taken on how these could potentially be progressed. The issue of one school being voluntary aided and the other maintained presents challenges and limits the viable options available because of the differing governance arrangements required. For example, a hard federation could not be established because the legal constitution of the governing bodies is different.
- 4.2 Following legal advice from the Department of Education, one viable option is to close both existing schools and establish a new Church of England Voluntary Aided School. Whereas it is no longer possible to establish a new 'community' school (as new schools would now automatically become academies), recent legislation still allows for the establishment of new voluntary aided schools. As a result of the size of the new school, the Hylton Red House site would be the most appropriate location for the new school as the capacity at Bishop Harland CE School would be insufficient. The proposed new school would be a 2.5 form entry school and the existing nursery provision from Bishop Harland CE School would transfer to Hylton Red House Nursery School. The Diocese and governing bodies at both schools are supportive of this option and have agreed that they would like to progress on that basis, subject to Cabinet approval.

4.3 Although it is believed that this is the most viable option, given the legal advice provided, there may be a limited number of other options which can be developed and explored at consultation stage. The 'status quo' option which would see both existing schools remain as they are can also be explored and the implications of this explained during consultation. The likely outcome of this option is that DfE would require Bishop Harland to become an Academy as part of an academy chain, with potentially an external sponsor, on the basis of current Ofsted performance.

4.3 Following consultation, any proposal for change would require the Local Authority and the Diocese to publish statutory notices. The likely process and timescales would be as follows:

- (i) **Consultation** - First stage (4 weeks consultation) following Cabinet from 3rd September 2012.
- (ii) **Cabinet** - Draft proposals to Cabinet following stage 1 above, to 10<sup>th</sup> October 2012 Cabinet meeting.
- (iii) **Publication** of statutory notices in October 2012 following Cabinet recommendation – 1 day
- (iv) **Representation** - Must be 6 weeks - up to late November 2012
- (v) **Decision** – School Organisation Committee of Cabinet must decide the proposals within 2 months maximum -December 2012
- (vi) **Implementation** - No prescribed timescale – but must be as specified in the published notice, subject to any modifications agreed by the decision-maker.

4.4 Cabinet is asked to approve the first stage consultation which will include staff, parents, pupils and governing bodies at both schools, the wider community, elected Members, Unions, Dioceses and other interested parties. The outcome of the consultation will be reported to October Cabinet meeting for further consideration and to determine whether the preferred option should then be progressed to publication of statutory notices if appropriate.

## 5. REASONS FOR THE DECISION

5.1 Both Bishop Harland CE and Hylton Red House Primary Schools are on an improvement journey, having recently been subject to Department for Education scrutiny as schools in concern. Both have significant levels of surplus places currently which present challenges in the sustainable delivery of effective education moving forward. Informal consultation between the Council, the Church of England Diocese of Durham and the two governing bodies has indicated support for a local solution.

## 6 ALTERNATIVE OPTIONS

This report seeks approval to begin a first stage consultation on options to address the sustainability and performance of both schools. Potential options will be considered as part of the consultation process and taken forward or rejected as a result of this consultation.

## **7. LEGAL IMPLICATIONS**

- 7.1 Any proposals for school re-organisation require the publication of statutory proposals. The responsibilities for publishing statutory notices are set out at 4.3 above. From May 2007 decisions on school organisation are an executive function of the Council, carried out by the School Organisation Committee (SOC) of Cabinet. SOC will consider for determination proposals where statutory objections have been received. Where no objections are received the determination of proposals is delegated to the Executive Director of Children's Services in consultation with the Cabinet Portfolio Holder for Children's Services. The indicative timescales also shown in paragraph 4.3 suggest that decisions will be required in December 2012.

Should Cabinet agree to take forward an option which brings both school together, further work would need to be undertaken in relation to the issue of land and property ownership. At the present time all of the land and buildings at Hylton Red House Primary School are in the ownership of the Council whereas at Bishop Harland School, the playing fields are in the ownership of the Council and the buildings are owned by the Church of England

## **8. FINANCIAL IMPLICATIONS**

- 8.1 Both schools are currently funded through Dedicated Schools Grant (DSG).. Depending on the option taken forward, capital investment would be required at Hylton Red House School in relation to the condition and suitability of the current building. Discussions are currently underway between council officers and the Diocese of Durham in relation to capital funding and any implications for the Council's capital programme will be brought forward for consideration prior to the statutory consultation stage. Investment would also be required at Hylton Red House Nursery School to enable the additional numbers to be accommodated.

## **9. RELEVANT CONSULTATION**

- 9.1 Paragraph 4.3 shows the proposed process planned for consultation, together with timescales.

## **10. IMPACT ANALYSIS**

- 10.1 Any capital investment works will be designed and specified using modern sustainable materials.

## **11. BACKGROUND PAPERS**

- 11.1 Legal advice from the Local Authority's legal representatives and School Organisation Unit at the Department for Education (DfE).