

**DUDLEY METROPOLITAN BOROUGH**  
**COUNCIL**  
**DIRECTORATE OF CHILDREN'S**  
**SERVICES**

**Response to Objections on School**  
**Organisation Proposals**

**Closure of Sycamore Green Primary**  
**School**

**26 January 2006**

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## **1. THE SCHOOL ORGANISATION PROPOSALS**

### **1.1. It is proposed:**

To discontinue Sycamore Green Primary School, Sycamore Green, Old Park Farm Estate, Dudley, West Midlands, DY1 3QE with effect from 31 August 2006.

There are sufficient places to accommodate pupils from Sycamore Green at Bramford Primary School, Wren's Nest Primary School and in many other primary schools a little further away e.g. Priory Primary School. A bid for DfES Targeted Capital Funding was submitted in Spring 2005 to replace Wren's Nest Primary School. The Secretary of State informed the Director of Children's Services that Dudley would receive £4.5 million from the Targeted Capital Fund to rebuild Wren's Nest Primary School. The funding will enable the creation of a range of buildings and facilities fit for 21<sup>st</sup> Century learning. With the additional investment of over £1 million in the new Children's Centre at Wren's Nest Primary, children, families and the community will have access to a superb range of new facilities.

The bid was successful because it fully addressed a wide range of criteria including the removal of surplus places at both Sycamore Green Primary and Wren's Nest Primary and the provision of facilities leading to significant regeneration of education and the broader range of services for children, families and community.

The process of developing this new range of facilities through effective engagement of children, parents, staff, governors from both schools and the local community will be a powerful unifying focus for the whole area. This process will be planned jointly between Sycamore Green and Wren's Nest with full support from Dudley Council. The Sycamore Green site and buildings will continue to be used from 1 September as an annex of Wren's Nest Primary. This will continue for the period of time required to complete all of the construction work on the Wren's Nest site. The new buildings are scheduled for completion by September 2009.

Wren's Nest Governing Body will be responsible for all matters, with support from Dudley Council, from 1 September. This includes working with Sycamore Green in developing a staffing structure required to maintain two sites. Posts in this staffing structure will be ring fenced to Sycamore Green staff.

Parents of children at Sycamore Green will be asked to confirm their preferences for school places following School Organisation Committee's decision. It is expected that the majority of parents will wish to continue on the Sycamore

Green or Wren's Nest sites until consolidation on the Wren's Nest site. In September 2009 when the new buildings open, all of the pupils currently in key stage 2 will have transferred to Secondary Schools. Pupils currently in Year 2 will be in Year 6 when the new buildings open. It is essential that all pupils, irrespective of whether they will attend the new buildings during their primary phase of education, are fully engaged in developing the new facilities. Parents will be supported individually in these matters immediately following School Organisation Committee's decisions.

## **2. INTRODUCTION**

### **Context**

- 2.1 Dudley has managed numerous changes to the pattern of schooling at several critical points over the last 60 years. Political, educational and demographic changes have led to the building of new schools, changing their sizes and closing schools. Dudley is now facing again the need to change and, with the benefit of much better information, can respond with a degree of certainty to meet the needs of children for the next 20 – 30 years. A record of school changes that have taken place in Dudley is currently being assembled. The latest information on these changes is included in Annexe 4 as a work in progress list.
- 2.2 The surplus of places in the Borough's primary schools was highlighted in an external consultancy report by KPMG in 1999, and in the OFSTED Inspection Reports of 2000 and 2002. The more general outcomes of the OFSTED inspection in 2000 caused a delay in the implementing of a full review and action plan, although the need for such a review featured in the Post OFSTED Action Plan in 2000 and 2002.
- 2.3 Consultation on specific school proposals was carried out in 2002. Responses were received from headteachers, governors, councillors, parents and others. The consultation led to action in several cases including further consultation on the establishment of a new Voluntary Aided (VA) school for Halesowen to replace two existing schools, Halesowen CE and Hasbury CE Primary Schools.
- 2.4 The annual birth rates (using academic year September - March) in Dudley have reduced from 4,116 in 1990 to 3,344 in 2003. There was a slight increase to 3,514 in 2004 but long-term projections indicate annual births of around 3,300. The live birth figures are included in Appendix H. This is a major problem for all Dudley schools because the amount of money Dudley receives through the Council's revenue grant from government is based on the number of pupils attending schools. As the pupil numbers fall the level of government grant falls and school budgets have less capacity to meet the costs of providing education.

- 2.5 The Department for Education and Skills (DfES) sets the minimum education budget for Dudley based on the number of pupils attending its schools. As the demand for places falls, schools will receive proportionately lower budgets, adding significantly to the difficulty for schools of meeting the costs of the quality of education to which all pupils are entitled.
- 2.6 The total number of pupils attending Dudley primary schools is falling by around 400 per year. Based on the numbers of children already born, primary pupil numbers in Dudley schools are projected to fall by a further 2,358 (almost 10%) between 2005 and 2010 before the total number stabilises at this low level.
- 2.7 The reduction of 2,358 primary pupils will lead to an annual fall in the Council's revenue grant funding from the DfES and a reduction of £7.8m by 2010, at current prices. The figure of £7.8m is based upon a current 'per pupil' unit funding of £3,329, the DfES baseline assessment for a 'Dudley' pupil in 2005 which will be applied for calculation of the Dedicated Schools Grant (DSG) for 2006 onwards. This data has just been released by the DfES to enable the Council to model future budget scenarios.
- 2.8 The primary sector delegated budget in the current financial year is £71.3m or 49% of the total resources delegated to schools. If the current provision of 82 primary schools were maintained with 2,358 fewer primary pupil places, it is estimated that each primary school budget would be reduced by an average of 10% by 2010. Individual primary school budgets currently range from £0.5m to £1.9m. Therefore schools could expect to see an average annual budget reduction ranging from £50,000 to £190,000 by 2010. With a projected 5,000 surplus places in the system some schools would experience much greater reductions and also considerable year-on-year instability. This is not in the best interests of children.
- 2.9 Dudley primary schools currently spend their delegated resources in the following proportions:

Staff	83%
Premises	6%
Supplies and services	11%

Premises costs are largely fixed and there is limited scope for reductions in services, learning materials and other supplies. The main focus for balancing budgets is therefore likely to be in the largest area of expenditure which is staffing. If the £7.8m reduction were directed at staffing in primary schools, this

would equate to an indicative reduction of 230 posts in schools, or more than 10% of the current workforce in primary schools.

- 2.10 It has now become imperative to take action to ensure that the pattern of primary school provision is cost effective, with only sufficient surplus places to allow a degree of parental preference and in order to cope with any unplanned expansion. It is important to say that these proposals for Sycamore Green Primary School combined with the other changes will affect every primary school in the Borough, by ensuring that money is not wasted on maintaining surplus places but directed to the education of children.
- 2.11 The Dudley Cabinet Member for Education and Lifelong Learning approved the start of a consultation process on proposals to change the existing pattern of primary school provision in Dudley. The initial consultation started on 12 September and ended on 21 October. The consultation was based on three documents; Learning for the Future Primary School Review Consultation Document, Consultation Summary and Response Form. Paper copies of the documents were circulated widely and posted on the Council website [www.dudley.gov.uk](http://www.dudley.gov.uk). The consultation process involved a series of meetings with parents, staff and governors in those schools most affected. Additional meetings were convened on request. There has been a high volume of telephone calls, letters, emails, response forms and other correspondence as set out in the Cabinet Report, Appendix 1 and Appendix 2 included as Annex 5.
- 2.12 The total number of returned questionnaires 778. a return rate of 7.07% from the 11,000 copies distributed and easily accessible via the website. Of these 126 respondents made general comments or no comments. Responses were received with reference to 73 of the 82 primary schools. The 126 respondents in the 'none' category gave a higher 'yes' response to all questions. The highest number of responses (386 almost 50% of total question responses) came from schools where either closure or amalgamation was proposed. The 'no' percentage responses from this group tended to be higher than the 'yes' responses for questions 1, 3, and 4. Similarly the remaining 169 respondents from representatives of schools where there were no changes proposed or an adjustment in admission numbers, gave a higher 'yes' response. Further details of the responses are listed in Appendix 2 included in Annex 5 and all of the responses are available as a public record. Given the importance and the urgency of the need to address the financial implications of the surplus places in Dudley schools the level of response is at best disappointing.
- 2.13 The proposals outlined in the consultation documents emerged from previous consultations on principles and process. The proposals reflected the need to

address the serious issue of over 5,000 surplus primary places by 2010. This projection is based on over 2,000 surplus places already existing in 1997, numbers attending primary schools, and birth rates.

- 2.14 In-flow and out-flow of pupils to other Boroughs is projected to continue unchanged. However, this is the most optimistic position as other Boroughs are experiencing the same trends in birth rate as Dudley. In this situation even if the same percentage of the total number of pupils resident in other authorities continued to attend Dudley schools the actual number of pupils would reduce. Other authorities are expected to take action to ensure that they retain as many of their resident pupils as possible. This includes substantial capital investment in new schools and the reviews of school provision. For example, the Archdiocese of Birmingham have started a review of primary and secondary provision which covers a number of local authorities including Dudley MBC.
- 2.15 During the consultation process, several alternative proposals for Sycamore Green were suggested. In October, part way through the initial consultation, the Secretary of State announced that Dudley had made a successful bid for over £8 million to replace Wrens Nest Primary School and Old Park Special School. The alternative proposals have been considered carefully and where appropriate revisions were included in the Report to Cabinet of 17 November. The DfES funding provided a significant opportunity to make a real difference for the whole community and the provision of high quality facilities for all in the heart of this proposal.
- 2.16 The Primary Schools Review is part of 'Investing in the Future' (IIF), a wide-ranging planning framework designed to link a series of national and local initiatives into a coherent and manageable development programme. The initiatives that will impact directly on provision for children include:
- Pre-school settings;
  - Children's centres;
  - Primary Schools Review;
  - Secondary Review (including 14 – 19 strategy);
  - Specialist schools;
  - SEN strategy;
  - Extended schools;
  - Integrated children's services; and
  - Community use including leisure, libraries and lifelong learning.

(IIF was previously known as 'Learning for the Future', but with the development of joined up children's services it is important that the major policy framework should not be perceived as being limited to learning.)

- 2.17 The Primary School Review also takes full account of the long term planning for Dudley, the Black Country and the West Midlands. The proposals in Appendix 2 take account of the relevant elements of the Unitary Development Plan, Local Transport Plan and in the emerging Black Country Study and Regional Spatial Strategy.
- 2.18 The publication of statutory notices was undertaken in line with decisions made by the Cabinet. The period for publication and representations to be made began on 21 November 2005 and ended on 2 January 2006. Arrangements were made to receive representations on the 3 January due to accommodate any difficulties experienced with access to Council buildings during the holiday period.

### **Sycamore Green Primary School**

- 2.19 Sycamore Green Primary School is situated on a small site surrounded by residential housing. The main school building was erected in the 1950s with additional accommodation added in the 1970s.

#### **2.20 School Facilities and Condition**

A number of the areas within the building have been assessed as unsuitable for the purpose that they are supposed to serve. The Foundation Stage curriculum area has a number of issues including no covered outdoor learning area and no accessible storage for large play equipment. There is no easy access for those with physical disabilities to the Foundation Stage area due to steps.

Some elements of the indoor environment are also unsatisfactory. Four classrooms are too small and cramped with inadequate storage facilities. In addition, there are insufficient toilet cubicles for female staff.

- 2.21 The condition survey on the building, carried out in September 2002, listed necessary repairs amounting to approximately £260,000. These included: replacement of coal-fired boiler, repairs to roofs, external areas, internal walls and doors, external walls and doors, redecorations, mechanical services, electrical services, floor and stairs and ceilings. In addition to work identified on the condition survey, the school has timber windows and some flat roofs that will in time require substantial replacement. Asbestos boarding is known to exist to some of the window panels.



2.22 In accordance with DfES requirements the school was surveyed in November 2004 against suitability criteria. The survey confirmed that there were shortfalls of accommodation in the following areas

- No additional space for IT classroom
- Average classrooms sizes of 45m<sup>2</sup> (against DFES ideal of 60m<sup>2</sup>)
- No separate drama area
- Shortfalls in staff and administration areas
- No staff workspace areas
- Inadequate storage facilities for teaching materials
- Small total site area (12,864m<sup>2</sup> against DFES ideal of 15,000m<sup>2</sup> for a school this size)

2.23 School Access Survey was completed in July 2003 by independent consultants that identified access difficulties for people with lower levels of mobility. The school has corridor steps immediately after entering the building via the main entrance and there are further corridor steps leading to the Hall.

#### 2.24 Financial Considerations

Overall Dudley primary schools have capacity for 29,513 pupils, of which 3,309 surplus places (11.2%) were available in January 2005. School funding at local authority level is driven by the number of pupils on roll annually, and the year-on-year fall in numbers leads to an ongoing decrease in the overall schools' budget, the Individual Schools Budget (ISB). With effect from April 2006 this will be separated from the overall local authority budget and will be allocated as a separate grant, the Dedicated Schools Grant (DSG).

Based on the numbers of children already born, the number of primary pupils in Dudley is projected to fall by a further 2,358 by 2010. This will result in an annual fall in grant funding received from the DfES in excess of £1m per year. By 2010, using the current unit per pupil funding of £3,329, primary schools will receive £7.8 million less than in 2005/06, a reduction of 9%.

#### 2.25 Surplus Places

School Name	No. of pupils *Jan 2005	No. of pupils **Jan 2006	Net Capacity	Net Capacity (planned)	Surplus Capacity *Jan 2005	Surplus Capacity **Jan 2006
Sycamore Green Primary School	184	161	321	-	137	160

Bramford	422	402	420	420	0	18
Wren's Nest	305	298	430	420	125	132
Total (Alternative Schools)	727	700	850	840	125	150
* Source: DfES Pupil Level Annual School Census (PLASC) Reception to Year 6 Count Jan 2005						
** Source: Directorate of Children's Services (provisional figures subject to verification in School Census 2006)						

The combined capacity of Sycamore Green and Wren's Nest is 757 places. The establishment of a newly built Wren's Nest with 420 places will remove 221 surplus places. Any places filled at Bramford Primary will add to the total removed. The combined number on roll at Sycamore Green and Wren's Nest is currently 459. This will continue to reduce as larger cohorts leave the school over the next few years and be replaced with lower numbers in Reception. 420 places will be sufficient to meet the demand by 2009. All of these figures exclude nursery age and younger children.

## Alternative Provision

The potential number of children who would be displaced from Sycamore Green Primary at the time of closure totals approximately 152. This figure is calculated using current pupil numbers in Reception to Year 5, together with a new Reception intake estimate (based on the current Reception number). Therefore it is anticipated that pupils can be accommodated in the enlarged Wren's Nest Primary or alternative provision.

- 2.26 Analysis of the distance travelled by pupils attending Sycamore Green Primary indicates that there is little or no negative impact of these pupils travelling to the alternative schools proposed. In fact, 96% of Sycamore Green pupils (as at Jan 2005) lived within 1 mile of Wren's Nest Primary compared to 95% within 1 mile of Sycamore Green. Further analysis shows that only 7 pupils (4% of the total) live greater than 1 mile from one of the two alternative schools.

## 2.27 Other Options

- Federation
- Reduction of capacity
- Closure of other schools
- Amalgamation

Federation or amalgamation with other schools in Dudley was considered. There is capacity for 321 pupils at Sycamore Green measured using DfES methodology. The number of pupils attending Sycamore Green has fallen from 313 in January 1997 to 184 in January 2005 resulting in 137 surplus places. The current number of pupils attending in January 2006 is 161 and the number of surplus places has grown to 160. With these low numbers, the school budget would not be sufficient to meet the costs of the staffing, supplies and services and accommodation. The potential saving of one headteacher post through a federation or similar arrangement would not be sufficient to meet the overall costs of provision. Inevitably, the quality of provision would be affected as additional reductions to staffing would increase class sizes and require mixed age and possible mixed key stage teaching. The money available for supplies and services and accommodation would also be reduced to balance the budget. Federation could not achieve significant reductions in revenue costs or improve accommodation at Sycamore Green.

If the capacity were reduced at Sycamore Green to match the demand for places the financial pressures still exist. The budget is calculated on the number of pupils attending and this will continue to fall. The money available for staffing, supplies and services and accommodation will reduce with the inevitable impact on quality of provision, class sizes and staff workloads. It is possible to use spare accommodation for other purposes to offset the overall costs of maintaining the site. However, the opportunities for joint use of the site are limited by the capacity of the local area to meet the full costs of accommodation. The local area is one of the most deprived areas in Dudley with little potential to provide the level of income that the school would need. There are also limitations regarding the nature of additional uses due to the likelihood of close contact with children and their families. Vehicle access and parking are also limited. There is no realistic possibility of reducing the capacity and securing sufficient income to cover the total costs of providing the quality of education to which children are entitled.

The nearest schools were also considered for closure, capacity reduction and amalgamation. Bramford Primary School is popular in that it has gradually increased the number of children attending from 395 in January 1997 to 422 in January 2005. Reducing the capacity to 210 places for example, would have a greater affect on a larger number of pupils and their families in terms of disruption and preference for places. Similarly, 541 pupils attended the Priory Primary School and 305 pupils attended the Wren's Nest Primary in January 2005. Reducing the capacity in any of these schools would have created more difficulties without any guarantee that parents would send their children to Sycamore Green.

Closure of Bramford, Priory or Wren's Nest Primary School would have created a shortage of places in the area, more travel for more families and resulted in additional costs.

The proposal to close Sycamore Green Primary will enable all of the pupils in the local area to attend Wren's Nest Primary School which will be rebuilt with DfES Targeted Capital Funding. The Children's Centre due to open shortly at Wren's Nest Primary will provide a superb range of additional facilities and services for children and their families throughout the area.

## 2.28 Employees

During previous reorganisations in Dudley there have been no compulsory redundancies. Similarly, there is no anticipated requirement for compulsory redundancies arising from Primary School Review proposals. Every effort will be made to redeploy existing staff within the partner school, other schools within the LEA or to opportunities that exist within the LEA and the wider council. Given the turnover rates in the various job roles within schools, it is expected that all staff who wish to continue employment in other schools will be able to do so.

## 3. **ASSESSMENT OF THE PROPOSAL**

The School Organisation Committee in assessing this proposal should consider the following:-

- The Secretary of State's Guidance for Decision Makers on Statutory Proposals
- The views expressed during the Consultation Process regarding this Proposal particularly from Governors, Staff and Parents of pupils attending or intending to attend Sycamore Green Primary School
- The Borough's School Organisation Plan
- Equal opportunities, Race Discrimination, Disability Discrimination and Human Rights Aspects
- Any other relevant factors concerning these specific proposals

In addressing these factors this report follows the Secretary of State's Guidance and applies that Guidance where relevant and appropriate.

It is intended that the thrust of the substantial objections to this proposal will be represented firstly within the body of this report, but for completeness, on pages 33 to 46 is a summary of each of the individual objections raised together with the Directorate of Children's Education response. Further all of the objection letters,

together with correspondence arising from the consultation process and the petition are being copied to members of the Committee.

### The Secretary of State's Guidance to Decision Makers on Statutory Proposals

The Directorate of Children's Education is fully aware of the high burden which the Secretary of State has imposed in relation to decisions to close Primary schools. This proposal has been formulated following a careful review of the options for Sycamore Green Primary School and in the knowledge that it is bound to be unpopular with those associated with the school. However the Authority is committed to the proposal and implementation of tough decisions where these are clearly in the best interests of the children and consistent with the most effective delivery of early years provision throughout the City.

This report now addresses the non-exhaustive list of factors identified in the Secretary of State's Guidance at Section 2.2. It should be acknowledged that the importance of these factors varies upon the type and circumstances of the proposals and those which are clearly irrelevant (eg relating to secondary schools) are not considered.

### **EFFECT ON STANDARDS AND CONTRIBUTION TO SCHOOL IMPROVEMENT**

In this respect the following factors are identified:-

- Whether the proposals will improve the standards, quality, range and/or diversity of educational provision in the area;
  - The standards of education in existing and proposed alternative provision, and, particularly in the case of nursery schools, that the alternative provision will be able to maintain or enhance the standards of education provision;
  - The effect of the proposals on other institutions
1. The opportunity for the integration of Sycamore Green pupils into Wren's Nest primary school will enable pupils to access a new school building constructed to meet the needs of 21<sup>st</sup> Century curriculum. It will also allow children 0 - 6 to experience the provisions of a Children's Centre and Foundation Stage education all in one location. Currently children do not have access to a Children's Centre and may be receiving their Early Years education 0 -5 in different establishments.
  2. Pupils attending the new primary schools with Children Centre and nursery provision would have the added benefit of having all of their education from age 0 -11 in the same establishment, with all of the continuity and other benefits such as brothers and sisters in the same school.

3. Following the consultation, pupils whose parents would wish to transfer their children to another school in the area would be able to do so. This would allow them to exercise parental preference in their choice of school.
4. The Directorate of Children's Services believes that the education provision that will be available at the new school which will include a Children's centre will be at least as good as that provided at Sycamore Green or in surrounding schools. Given the total amount of capital investment and the new facilities available to support children and family learning, the quality of education will be substantially improved for all.
5. In closing Sycamore Green Primary and relocating to join Wren's Nest, children will be offered a purpose built building, a broader range of well trained staff, and improved resources. However, if parents wish their children to transfer to an alternative school then all of the schools in the local area where there are places would be willing to accommodate them.

### **STANDARD OF ACCOMMODATION AND CONDITION OF FACILITIES**

1. The building occupied by the pupils of Sycamore Green Primary School was erected in the 1950s with additional accommodation added in the 1970s. The latest condition survey, carried out in September 2002, identified necessary repairs amounting to £260,278 with £100,000 of this to be carried out urgently, £1,780 of this to be carried out within 2 years and £158,498 of this to be carried out within 3 to 5 years.

Outstanding repairs listed;

Priority 1:

Mechanical Services	<u>£100,000</u>
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Priority 2:

Floors and Stairs	£860.00
Internal walls and doors	£172.00
Ceilings	£ 86.00
Electrical Services	£430.00
Roofs	<u>£232.00</u>

TOTAL Priority 2	£ 1,780.00
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Even if all of the repairs identified were carried out, a significant number of areas of the building would remain unsuitable for the purpose. The school's suitability survey identifies several areas of the building as 'unsuitable'. The suitability survey grades rooms/areas according to the detrimental effect they have on education in the premises in the following ways:

- Sycamore Green Primary School has a significant number of areas in those categories:

### Disabilities and SEN:

All of the points above were reached in collaboration with and agreed by the school staff.

## 2. Proposal For A New School at Wren's Nest Primary School Site

The Authority received notification in October 2005 of a capital award of £4,423,606 for the construction of a new school at Wren's Nest Primary School site and the total budget cost for the project is £5,529,508 with the Authority funding 20% of the total costs. This additional funding by the Authority will be funded from Basic Need formula capital allocation awarded to the Authority 2003/04 for addressing pupil places organisational issues.

The project will provide appropriate and sufficient accommodation for the pupils of the existing Wren's Nest and Sycamore Green Primary Schools including the provision of a two form entry school on an existing school site being integral with the planned Children's Centre development due for completion March 2006 and the full service extended schools developments.

The new project will allow a reduction in the Authority's condition backlog in excess of £400,000 across both existing schools. A new school will make more effective use of resources with effective and flexible teaching, more use of ICT to support individual learning in a fit for purpose building.

Improved site security is also part of the proposal with enhanced access to external play areas. The design of the new school will adhere to the design guidance issued by the Department of Education and Skills therefore ensuring that teaching and learning can be delivered in all parts of the curriculum in spaces of appropriate size, location and with the correct furniture and equipment therefore addressing the suitability issues identified previously at both existing schools.

The new school will be fully accessible and will accommodate specialist facilities to enable all pupils to access the curriculum. The design of the new school will ensure that the school can be fully inclusive with accommodation to reflect the needs of all pupils, including those with Special Educational Needs, and will allow use of spaces for input from external agencies. The new building will provide space for health workers, speech and language specialists and other visiting specialists.

Pupils, parents and staff from both existing schools will be engaged and consulted with regarding the design and future vision of the new school.

### **NEED FOR PLACES**

In assessing the level of need the Guidance directs decision makers to consider:-



- The overall supply and likely future demand for places;
- Whether there is sufficient capacity to accommodate displaced pupils in the area;
- Whether the proposals will reduce the proportion of denominational places.

Schools which have a large number of surplus places or high-cost maintenance buildings use up valuable funding un-necessarily with no added benefits to pupils. This is why the Directorate has undertaken this review of primary provision in the Borough to achieve maximum efficiency and, therefore, maximum effectiveness by ensuring resources are used primarily to deliver the curriculum and educate its pupils.

Dudley has managed numerous changes to the pattern of schooling at several critical points over the last 60 years. Political, educational and demographic changes have led to the building of new schools, changing their sizes and closing schools. Dudley is now facing again the need to change and, with the benefit of much better information, can respond with a degree of certainty to meet the needs of children for the next 20 – 30 years.

The surplus of places in the Borough's primary schools was highlighted in an external consultancy report by KPMG in 1999, and in the OFSTED Inspection Reports of 2000 and 2002. The more general outcomes of the OFSTED inspection in 2000 caused a delay in the implementing of a full review and action plan, although the need for such a review featured in the Post OFSTED Action Plan in 2000 and 2002.

Consultation on specific school proposals was carried out in 2002. Responses were received from headteachers, governors, councillors, parents and others. The consultation led to action in several cases including further consultation on the establishment of a new Voluntary Aided (VA) school for Halesowen to replace two existing schools.

The annual birth rates (using academic year September - March) in Dudley have reduced from 4,116 in 1990 to 3,344 in 2003. There was a slight increase to 3,514 in 2004 but long term projections indicate births of around 3,300. The DfES sets the minimum education budget for Dudley based on the number of pupils attending its schools. As the demand for places falls, schools will receive proportionately lower budgets, adding significantly to the difficulty for schools of meeting the costs of the quality of education to which all pupils are entitled.

Based on the numbers of children already born, primary pupil numbers in Dudley schools are projected to fall by a further 2,358 (almost 10%) between 2005 and 2010. The reduction of 2,358 primary pupils will lead to an annual fall in the Council's revenue grant funding from the DfES and a reduction of £7.8m by 2010, at current prices. The figure of £7.8m is based upon a current 'per pupil' unit funding of £3,329, the DfES

baseline assessment for a 'Dudley' pupil in 2005 which will be applied for calculation of the Dedicated Schools Grant (DSG) for 2006 onwards. This data has just been released by the DfES to enable the Council to model future budget scenarios in confidence. The primary sector delegated budget in the current financial year is £71.3m or 49% of the total resources delegated to schools. If the current provision of 82 primary schools were maintained with 2,358 fewer primary pupil places, it is estimated that each primary school budget would be reduced by an average of 10% by 2010. Individual primary school budgets currently range from £0.5m to £1.9m. Therefore schools could expect to see an average annual budget reduction ranging from £50,000 to £190,000 by 2010. With a projected 5,000 surplus places in the system some schools would experience much greater reductions and also considerable year-on-year instability. This is not in the best interests of children.

Dudley primary schools currently spend their delegated resources in the following proportions:

- Staff 83%
- Premises 6%
- Supplies and services 11%

Premises costs are largely fixed and there is limited scope for reductions in services, learning materials and other supplies. The main focus for balancing budgets is therefore likely to be in the largest area of expenditure which is staffing. If the £7.8m reduction were directed at staffing in primary schools, this would equate to an indicative reduction of 230 posts in schools, or more than 10% of the current workforce in primary schools.

It has now become imperative to take action to ensure that the pattern of primary school provision is cost effective, with only sufficient surplus places to allow a degree of parental preference and in order to cope with any unplanned expansion. It is important to say that these proposals will affect every primary school in the Borough, ensuring that money is not wasted on maintaining surplus places but directed to the education of children.

The very high number of surplus places locks in substantial resources. These proposals will unlock these resources and enable schools to make better use of money already available. This will allow a switch of money from surplus places to other areas such as staffing, accommodation or learning resources.

The costs of larger accommodation changes will be met from Dudley's Capital Programme and successful applications for government funding for new schools. Dudley has already succeeded in securing millions of pounds for building and modernising schools. The government has recently announced a massive increase in the level of

funding available for new primary schools and Dudley will be well placed to take advantage of this new opportunity.

There will be sufficient places in local schools for children displaced from closing schools. In some cases this will require additional accommodation and this is being planned now. There will be no certainty in numbers until parents express preferences for places in other schools. The accommodation changes will be planned to make sure there are enough places in the right schools at the right time – that is from September 2006 and in subsequent years.

Whilst parents have yet to indicate their preference, there is no suggestion that the local denominational schools will be adversely affected in any way by these proposals. It should be noted however, that the Archdiocese of Birmingham has begun a review of primary and secondary school provision across a number of authorities, including Dudley.

## **FINANCE**

In relation to the financial effects of the proposal the Secretary of State's Guidance requires the Committee to consider the following:-

- Whether the proposals represent a cost-effective use of public funds;
- Whether the capital resources required are available
- Whether the sale proceeds of redundant sites are to be made available and whether the Secretary of State's consent has been obtained where necessary.

## **Revenue funding**

In 2005/06, Sycamore Green received delegated funding via the Fair Funding Formula of £610,565, Standards Fund Grants of £89,364 and Schools Standards Grant of £30,000.

A significant proportion of this funding is likely to follow pupils as they are re-located, but non-pupil led funding will be available for re-distribution within the ISB following the closure of the school.

For 2006/07, 7/12<sup>ths</sup> of these allocations are estimated to be approximately £87,000 and could be re-distributed within the Individual Schools Budget if the Sycamore Green site ceased to exist from 1<sup>st</sup> September 2006. However, if the building at Sycamore Green is used as temporary accommodation until such time that the new building project at Wrens Nest is complete, then this funding will in the first instance, be applied to any premises costs incurred at the Sycamore Green site.

In a full year, the effect of these non-pupil led allocations is estimated to be approximately £150,000.

### **Capital funding**

For 2006/07, the formula for devolved capital will be a lump sum of £17,000 for primary schools and an amount of £61 per primary pupil. Therefore for 2006/07, Sycamore Green has an estimated devolved formula capital budget of £31,000. Further guidance is being sought from the DfES regarding the position on the possible re-allocation of devolved formula capital grant for those schools that close mid-year.

At December 2005, Sycamore Green held a balance of uncommitted devolved formula capital of £15,000. If this remains unspent, it can be used by the LEA on other priority capital works at schools, including any of the local schools requiring expenditure to accommodate Sycamore Green pupils. This would include the Sycamore Green site as an annex of Wren's Nest Primary from 1 September 2006.

The projected allocation of devolved formula capital for Sycamore Green Primary School for financial years 2006/07 is £30,847 and 2007/08 £ 32,801 based on current number on roll. Whilst the full allocation would be available if no further works are carried out up to the date of closure, as the proposal is for the school buildings to remain as an annex until the new school is completed, savings in future years are not clear. Also, the current buildings need to be maintained to an acceptable level so expenditure of some of this grant may be required. As the allocations are based on projected number on roll, the actual amount will not be known until the pupil count in each financial year is confirmed.

A budget of £5,529,508 for the construction of a new school at the existing Wren's Nest Primary School site has now been included in the Authority's capital programme and is being funded as follows:

Targeted Capital Fund (TCF Department of Education & Skills) award;

TCF	£ 4,423,606
Authority 20% funded from Basic Need formula funding	<u>£1,105,902</u>
Total	£5,529,508

### **Unit Cost Comparison**

The unit cost per pupil at Sycamore Green for 2005/06 was £3,318 compared with the average unit cost per pupil for the primary sector of £2,572. This represents an increase

of 29% above the average unit cost and poor value for money. These high revenue costs are not sustainable.

### **Reserves**

At November 2005 Sycamore Green had reserve balances of £11,586.

### **Use of Capital Receipts**

The Council at its meeting on 18<sup>th</sup> July 2005 resolved that “the use of capital receipts, arising from the implementation of specific proposals under the review of the Primary Schools sector for utilisation to help ensure that all Primary School education takes place in high quality buildings, as referred to in paragraph 2.6.1 of the report, to be approved and included in the Capital Programme.”

### **VIEWS OF INTERESTED PARTIES**

Clearly the Committee must have regard to the wide range of views which have been expressed in relation to this proposal.

### **Approach to the Consultation**

#### **Background**

The surplus places in the Borough’s primary schools were highlighted in an external consultancy report by KPMG in 1999, and in the OFSTED Inspection Reports of 2000 and 2002. The wider outcomes of the OFSTED inspection in 2000 caused a delay in the implementation of a full review and action plan, although the need for such a review featured in the Post OFSTED Action Plan in 2000 and 2002.

Consultation on specific school proposals was carried out in 2002. Responses were received from headteachers, governors, councillors, parents and others. The consultation led to action in several cases including further consultation on the establishment of a new Voluntary Aided (VA) school for Halesowen. These actions partially addressed the situation but much more remained to be done.

By 2004, the need for action was becoming critical. A further process was initiated as part of the planning framework Learning for the Future. This process was supported by detailed preparation and a further consultation on specific school proposals. Learning for the Future: Primary Schools Review Consultation Document sets out proposals to change the provision of primary school places. The proposals have developed from:

- Consultation on specific school proposals in 2002;
- Further consultation on Halesowen CE and Hasbury CE Primary school proposals;
- Primary Review Refresh 2004 consultation on principles and statements of intent;
- Briefing meetings with headteachers, governors and councillors during February and March 2005;
- Further consultation in June and July 2005 with headteachers, chairs of governors and councillors on the approach to further consultation on school specific proposals.

(Additional information to inform the process was posted on the Dudley Website)

### **Initial Consultation 12 September – 21 October**

Following a decision to start consultation on primary school review proposals a series of meetings were held with individual headteachers to support the process of informing staff, parents and children. Letters were sent to all parents informing them of the start of the consultation and details of consultation meetings. Copies of the Consultation Document were available in schools from 12 September 2005 and posted on the Dudley Council website. Briefings were also arranged for Union representatives, Members of Parliament and the media.

A copy of the consultation document was sent to the Directorate of Education and Lifelong Learning's consultees, which includes all schools in Dudley, their headteachers and chairs of Governing Bodies, Dudley MBC Councillors and key partnering agencies. In addition a letter of invitation was extended to all parents to make a response through the questionnaire a copy of which was available at each school on request. Copies of the documents were also published on the Dudley Council website.

Within the consultation document was a questionnaire which asked five questions. Four questions required a 'yes or no' answer and question 5 was open ended. There was also space for comments in questions 1 – 4 and respondents were invited to attach additional information. Additional information provided by respondents included:

- DVD presentations;
- letters;
- emails;
- petitions;
- photographs;
- telephone discussions.

All responses have been entered onto a database to assist with analysis and all original submissions have been retained. The consultation document was published on 12 September 2005. This stage of the consultation ended at 5pm on Friday 21 October 2005.

Consultation meetings were arranged for staff, governors and parents in separate meetings at each of the following schools:

- Beauty Bank;
- Highfields;
- Holt Farm;
- Sycamore Green;
- Mount Pleasant;
- Maidensbridge;
- Thorns.

Each meeting began with a presentation covering the background, main issues and specific details for the school. Questions were taken and answered where possible. Attendees were also able to record questions in writing for response after the meetings. Notes of all meetings were taken to assist with the consultation and the public record.

Information was posted on the Dudley Council website. As new questions were raised, the website was updated. This was essential to enable access to the very high volume of information available from Dudley, the DfES, ONS and other sources. Paper copies would also be provided for anyone that could not access information electronically.

The consultation document also made clear that information could be available in large print or other languages on request. No requests were received during the consultation period. For those individuals without personnel internet access facilities in schools and libraries were available.

## **Respondents**

11,000 questionnaires were made available to schools and the normal Dudley Consultees. The questionnaire was also posted on the Dudley Council website. In total there were 778 individual questionnaire responses received. In addition to this the following form of response was made:

- Letters 318
- Petitions 9
- Email 425
- Questions asked during Consultation 99

Number of Questionnaires Issued	11,000
Number of Responses Received	778
Response Rate	7.07%
Pupil / Student	6
Parent / Carer	540
Headteacher	28
Governor	69
Other School Body Rep	56
Councillors	2
Trades Union Rep	4
Other	39
Not Stated	34

**The views of parents and other local residents, including those who may be particularly affected by the proposals or have a particular interest in them**

Every response has been entered on a database and the originals have been retained. The record of evidence, that is all submissions is available to view on request by appointment. The following is a commentary on the responses with statistics summarising the breakdown of the respondents.

There were a total of 778 responses. Of these 126 respondents made general comments or no comments. Responses were received with reference to 73 of the 82 primary schools. The 126 respondents in the 'none' category gave a higher 'yes' response to all questions.

The highest number of responses (386 almost 50% of total question responses) came from schools where either closure or amalgamation was proposed. The 'no' percentage responses from this group tended to be higher than the 'yes' responses for questions 1, 3, and 4.

Similarly the remaining 169 respondents from representatives of schools where there were no changes proposed or an adjustment in admission numbers, gave a higher 'yes' response.

**Question 1**

Do you agree with the case for changing the current pattern of primary schools as described in paragraphs 5 - 10.



### Question 1 by description of respondent

Description of Respondent	Total	Yes	No	Unanswered	% Yes Total	% No Total	% Unanswered
Pupil/Student	6	3	2	1	50.0%	33.3%	16.7%
Parent/Carer	540	151	367	22	28.0%	68.0%	4.1%
Headteacher	28	21	6	1	75.0%	21.4%	3.6%
Governor	69	37	26	6	53.6%	37.7%	8.7%
Other school body rep	56	24	29	3	42.9%	51.8%	5.4%
Councillors	2	1	1	0	50.0%	50.0%	0.0%
Trade Union Rep	4	0	4	0	0.0%	100.0%	0.0%
Other	39	16	20	3	41.0%	51.3%	7.7%
Not Stated	34	5	21	8	14.7%	61.8%	23.5%
<b>Total</b>	<b>778</b>	<b>258</b>	<b>476</b>	<b>44</b>	<b>33.2%</b>	<b>61.2%</b>	<b>5.65%</b>

### Question 2

Do you agree with re-investing resources released back into education?

### Question 2 by description of respondent

Description of Respondent	Total	Yes	No	Unanswered	% Yes Total	% No Total	% Unanswered
Pupil/Student	6	4	1	1	66.7%	16.7%	16.7%
Parent/Carer	540	341	150	49	63.1%	27.8%	9.1%
Headteacher	28	25	1	2	89.3%	3.6%	7.1%
Governor	69	54	8	7	78.3%	11.6%	10.1%
Other school body rep	56	36	13	7	64.3%	23.2%	12.5%
Councillors	2	2	0	0	100.0%	0.0%	0.0%
Trade Union Rep	4	2	1	1	50.0%	25.0%	25.0%
Other	39	24	12	3	61.5%	30.8%	7.7%
Not Stated	34	8	15	11	23.5%	44.1%	32.4%
<b>Total</b>	<b>778</b>	<b>496</b>	<b>201</b>	<b>81</b>	<b>63.8%</b>	<b>25.8%</b>	<b>10.4%</b>

### Question 3

Do you agree with the overall approach based on reducing the number of primary schools?

#### Question 3 by description of respondent

Description of Respondent	Total	Yes	No	Unanswered	% Yes Total	% No Total	% Unanswered
Pupil/Student	6	2	2	2	33.3%	33.3%	33.3%
Parent/Carer	540	79	441	20	14.6%	81.7%	3.7%
Headteacher	28	18	8	2	64.3%	28.6%	7.1%
Governor	69	32	35	2	46.4%	50.7%	2.9%
Other school body rep	56	16	36	4	28.6%	64.3%	7.1%
Councillors	2	1	1	0	50.0%	50.0%	0.0%
Trade Union Rep	4	1	3	0	25.0%	75.0%	0.0%
Other	39	13	23	3	33.3%	59.0%	7.7%
Not Stated	34	2	31	1	5.9%	91.2%	2.9%
	<b>778</b>	<b>164</b>	<b>580</b>	<b>34</b>	<b>21.1%</b>	<b>74.6%</b>	<b>4.4%</b>

### Question 4

Do you agree with the approach to achieve sufficient local places for local children by reducing the number of places in schools with surplus places and small increases in others to reflect local demand?

#### Question 4 by description of respondent

Description of Respondent	Total	Yes	No	Un-answered	% Yes Total	% No Total	% Unanswered
Pupil/Student	6	3	2	1	50.0%	33.3%	16.7%
Parent/Carer	540	141	369	30	26.1%	68.3%	5.6%
Headteacher	28	17	6	5	60.7%	21.4%	17.9%
Governor	69	34	29	6	49.3%	42.0%	8.7%
Other school body rep	56	19	33	4	33.9%	58.9%	7.1%
Councillors	2	1	1	0	50.0%	50.0%	0.0%
Trade Union Rep	4	1	3	0	25.0%	75.0%	0.0%

Other	39	12	23	4	30.8%	59.0%	10.3%
Not Stated	34	4	28	2	11.8%	82.4%	5.9%
	<b>778</b>	<b>232</b>	<b>494</b>	<b>52</b>	<b>29.8%</b>	<b>63.5%</b>	<b>6.7%</b>

## Commentary

Response to Question 2 was positive in every category of respondent. Conversely responses were negative overall for the other 3 questions. There is also a distinct difference of view between the responses of parents and carers particularly those directly affected by the proposals and those of headteachers generally. The responses should be interpreted with considerable care.

By far the largest number of respondents were parents or carers totalling 540 out of 778 responses. This is not unsurprising as they form the largest body of those involved in the consultation process. The highest number of parent/carers responses came from schools where closure or amalgamation was proposed and their responses were primarily 'no'. This situation was mirrored in the 'Other School Body Representatives' which was mainly made up of teaching staff.

Where parent/carers children do not attend schools identified for closure or amalgamation the response is very small with the vast majority of deciding not to respond. Again this was mirrored in the 'Other School Body Rep'.

Twenty eight of the headteachers responded and whilst this is a proportionally small number a high percentage supported by the educational arguments and indicated 'yes' in response to all 4 questions. A total of 69 governors made up of 41 individual governors and 28 governing body representatives responded and their views were generally closely divided between those who ticked 'yes' and those who ticked 'no' in three out of four questions.

## Non - Questionnaire Responses to the Consultation Petitions

School Petition	Title	No. of Signatures
Blowers Green	As a parent of a child/children who attend Blowers Green Primary School, I wish to support the Governors in their opposition to the proposals set out in the Primary School Review to reduce the School's Standards Number from 45 to 30.	117
Mount Pleasant	Leave Mount Pleasant Primary School Alone	210

	156 Netherton CE We the undersigned would like to oppose the proposal for Netherton CE Primary School to reduce the admission number from 60 to 30.	
Maidensbridge	We, the undersigned, oppose the closure of Maidensbridge Primary School.	15,978
Highfields	As you may know there are proposals to close the school and expand Christchurch and Wallbrook schools. If you object to the closure of Highfields in August 2006 please add your name to the petition.	66
Mount Pleasant	The names listed below support the attached letter regarding the proposed closure of Mount Pleasant Primary School (Home & School Association)	47
Holt Farm	Save Holt Farm School Now. Our Children are the future so let's save their school from closure. They are more important than a statistic on a balance sheet. Sign the petition now.	5,332
Beauty Bank	We the undersigned give our support to Beauty Bank Primary School. It is a good school, educating our children to a high standard. It has friendly, approachable staff and it is wrong to close it, disrupting the children's education.	10,319
Highfields	As you may know there are proposals to close the school and expand Christ Church CE and Wallbrook schools. If you object to the closure of Highfields in August 2006 please add your name to the petition.	5,749
Sycamore Green	Save our School	4,000

## Letters

Three hundred and seventeen letters have been received and entered on the database. Where requested a detailed response has been given. On some occasions the response has referred the writer to Dudley Council website where answers to questions are available.

## **Questions**

The 99 questions raised at or as a result of the consultation process have been addressed in the same way as the letters.

## **Emails**

There has been a substantial number of emails sent to the school organisation address. A substantial number of emails have also been sent to councillors or officers. All of these have been added to the record of evidence.

The elected members on the Cabinet took the decision to support the proposal and move to the publication of Statutory Notices for closure of the school.

A statutory notice for closure was published on 21 November 2005 and is included in the Prescribed Information.

## **Representation Period**

During the representation period, 2 letters of objection, both from Members of Parliament, were received by the Directorate of Children's Services, both in opposition to closure, setting out reasons and asking further questions.

These letters were logged according to recipient details immediately and acknowledged by the Directorate. The content of each letter is attached as annex 1 and separate points of objection noted. Individual points of objection or query amounted to 19.

All of the representations, along with the Directorate's response to the objections lodged were copied to the Secretary to the School Organisation Committee, in accordance with Statutory Guidance. The letters are being copied to members of the Committee. Parents and other local residents have expressed their opposition to the closure of Sycamore Green. The strength of the views is emphasised by the number of objections and their detailed nature.

## **The views of any Local Education Authority affected by the proposals or with an interest**

The views of neighbouring Local Education Authorities have not been fully presented. There is however liaison between Senior Officers and each of the neighbouring authorities is aware of the DfES expectation of cross-border co-operation in planning school places and bids for capital investment.

## **The views of the Early Years Development and Childcare Partnership**

Dudley EYDC Partnership, although not formally dissolved, has in practice had its role subsumed into the work of the Children & Young People's Partnership in relation to strategic planning and delivery of early years and childcare services.

In relation to Sycamore Green there is currently no maintained or non-maintained early education provision for under 5's on the site, other than a reception class. There is no out of school childcare on site. In this respect closure would not adversely impact on any existing services, in fact children will be able to access a greater range of services in neighbouring schools to that which has been available at Sycamore Green.

## **Other Issues**

The Guidance identifies a number of further aspects to be considered and it must be recognised that the Committee must consider this proposal on its own merits.

## **The length and nature of journeys to alternative provision**

The radius of one mile for alternative provision is considered to be reasonable.

The recommended maximum walking distance to schools for Primary aged children is two miles. The Education Authority, for the purpose of this proposal, has identified a key threshold of one mile.

All of the pupils' home addresses have been plotted by Geographical Information System (GIS) and the distances to alternative provision for each child calculated as shown in the following table:

Distance* pupils travel to Sycamore Green Primary								
	No. of pupils (Jan 2005)	No. of pupils within 0.5 mile	%	No. of pupils within 0.51 to 1 mile	%	No. of pupils over 1 mile	%	
Sycamore Green	184	157	85%	18	10%	9	5%	
Distance* of pupils to alternative schools								
Alternative schools	Sycamore Green pupil addresses (Jan 2005)	No. of pupils within 0.5 mile	%	No. of pupils within 0.51 to 1 mile	%	No. of pupils over 1 mile	%	No. (and %) of pupils over 1 mile where alternative is over 1 mile
Bramford	184	25	13%	143	78%	16	9%	7 (4%)
Wrens Nest	184	140	76%	36	20%	8	4%	7 (4%)
* Due to the no. of addresses involved, distance is measured via straight line and not via specified walking route								

Analysis of the distance travelled by 184 pupils attending Sycamore Green Primary (as at Jan 2005) indicates that 85% of pupils live within half a mile, and 95% of pupils live within 1 mile of the school. The impact of these pupils travelling to the alternative schools is not significant in terms of additional distance, with 96% and 91% of pupils within 1 mile of Wren's Nest and Bramford Primary schools respectively. Further analysis shows that only 7 pupils (4% of the total) live greater than 1 mile from one of the two alternative schools.

### **Any sex, race or disability discrimination issues or other human rights issues**

The Council has appropriate policies in place and is committed to compliance with the law in relation to the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 in respect of all of its schools.

Dudley Council supports a highly inclusive policy in its schools and is striving to upgrade the facilities wherever possible with the aim of having as many fully accessible schools as possible in order to satisfy local need. However, this is easier in some cases than others.

So far as disability is concerned, all of the school buildings in the local area have been surveyed by the Special Educational Needs Team as to the accessibility and requirements to bring them up to full accessibility.

Many of the schools on the list have a high degree of wheelchair accessibility within the building, i.e. teaching areas, toilets and other areas accessed by children, making them more suitable for disabled pupils. The Department of Children's Services would therefore recommend those schools to parents of disabled children (requiring the use of a wheelchair or other mobility aids). In addition, many of the alternative schools have better access to the building itself, making them more suitable for disabled access to public areas and the school in general.

The new buildings at Wren's Nest Primary School will be fully compliant with legislation covering disabilities including 100% wheelchair accessibility.

### Human Rights

Article 2 of the First Protocol to the European Convention on Human Rights (the Convention) provides that:-

*"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".*

The United Kingdom has a reservation to this Article which reads:-

*"...the principle affirmed in the second sentence of Protocol 1, Article 2 is accepted by the United Kingdom only so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure".*

Article 2 leaves the structure and funding of public education to the state's discretion. Similarly it does not prescribe the content or purpose of the education that is to be provided and nor does it guarantee access to a particular educational institution or standard of education.

Furthermore, the Convention right to education is not fixed in content but takes the form of the provision made by each member state. The proposal will not bring about a denial of access to education provided for in the statute law of England and Wales.



## Individual Cases

Whilst it is the Education Authority's position that there are no discrimination or human rights issues which are of such significance as to call into question this proposal, it is accepted that the effect of the proposal could cause specific individual hardship or difficulties and the Council is committed to addressing each such situation on its own merits.

### **The effect of the proposal on infant class sizes**

In the context of a surplus of infant class places and the preparedness of Wren's Nest Primary school and other surrounding schools to accommodate all pupils currently at Sycamore Green it is considered that there will be no adverse effect on infant class sizes by this proposal.

### **The overall effect of a closure on the local community, particularly in areas receiving funding as part of regeneration activity**

The use of the schools facilities have been considered community groups that currently use the school will be supported to continue their activities either within the building once the school has closed or within provision available in the neighbourhood. A Children's Centre is being established at Wren's Nest Primary School. This centre will provide integrated Children's Services for the whole community.

All schools will become Extended Schools by 2010. The Chancellor has also stated that primary schools should be at the centre of their communities, not just physically but in the role played. Both sites will be used for community activities.

## **4. EDUCATION DEPARTMENT RESPONSE**

**The Education Department's responses to the points of objection and comments or queries in the letters are as follows:**

### **1. Adequate responses to questions, suggestions and concerns have not been provided by DMBC.**

The total number of enquiries by letter, email, telephone and website runs has not yet been calculated but will be in the region of 10,000. From September to December there were 6059 enquiries to the Primary Review Web Pages on [www.dudley.gov.uk](http://www.dudley.gov.uk). This included 4,269 enquiries to the primary review site and 594 specific enquiries to Presentations and notes, 293 to Freedom of Information Responses and 903 to Frequently Asked Questions.

In addition to the provision of this information Dudley has also responded to hundreds of letters, emails, telephone calls and questions posed at meetings. There have been 21 consultation meetings organised for staff, governors and parents at schools with additional meetings convened by request. There has been a range of additional meetings including Area Committees, parents groups, campaign groups, community groups, individual parents and a wide range of meetings with other Council directorates and external agencies.

Invitations have been extended to Members of parliament to discuss Primary Review issues on several occasions.

**2. Almost three quarters of respondents to consultation rejected the Authority's plans.**

Around 11,000 questionnaires were distributed and the documentation was also available for printing directly from the website at [www.dudley.gov.uk](http://www.dudley.gov.uk). The total number of 778 questionnaire responses received was disappointing. A return rate of 7.07% on an issue of such importance is difficult to explain.

Comments offered have suggested that other schools may have been reluctant to respond due to a sense of loyalty to colleagues in schools proposed for closure. Others suggest that the current workload in schools is so demanding that schools may have had different priorities particularly if they felt that they were not directly involved. It has also suggested that schools are being consulted on so many issues that the notion of consultation overload may have reduced participation.

Whatever the reasons for such a low response may be, the responses received should be considered with a degree of care. For example, Question 1 asked Do you agree with the case for changing the current pattern of primary schools as described in paragraphs 5 – 10? There were 476 respondents that said no to this question of which 367 were parents with the vast majority (348) from nine schools - Beauty Bank (23), Brook (13) Maidensbridge (68), Mount Pleasant (41), Ham Dingle (72), Holt Farm (40), Highfields (36), St Mary's CE (31) and Sycamore Green (24). Some of these respondents stated they could not say yes to this question as it would have influenced any future decision on their school. In some instances the concerns were based on proposals to reduce capacity or increase capacity. The remaining no's came from parents from 13 schools (22 schools represented and no response from the parents of 60 primary, 6 special or 22 secondary schools).

This compares with 158 parents that said yes from 23 schools including eight of the nine schools above.

The response from parents is also very different to that from headteachers. 21 headteachers (75% of 28 respondees) said yes to question 1. Only six headteachers (21.4%) said no. Similar differences appear with other categories of responses.

It is unwise to draw any conclusions on these returns other than

- The return rate was very low
- The percentage of no responses to questions is higher from those schools directly affected than from other areas
- The views of children, parents, staff, governors and others across all Dudley schools are not reflected 778 responses

The argument that almost three quarters of respondents rejected the authority's plans is untrue for every question and for most categories of respondent.

### **3. The Authority failed to inform Borough MPs of their plans until after informing the local media.**

An outline project plan was developed during the early part of 2005 and confirmed during the summer with senior officers and the cabinet Member for Education and Lifelong Learning. Emphasis was placed on ensuring that the release of information took account of the need to manage and respond to the high emotions and likely interest from parents, media and others. A detailed process was planned for 8 September to inform

- Unions in preparation to respond to any staff welfare or other concerns
- Headteachers of schools proposed for closure or amalgamation, provide personal and professional support and agree arrangements for school consultation meetings
- Parents through a letter from the Director of Children's Services with details of consultation meetings agreed with headteachers
- Media contacted to attend a briefing on 9 September on the consultation and proposals.

Although the sequence of events was planned well in advance the dates could not be confirmed until the cabinet Member approved the start of the consultation period. The involvement of Members of Parliament should have been sought at an earlier stage and this was a regrettable oversight. Members of Parliament

were invited to a briefing on 9 September. Three of the four MPs were able to attend.

Comments from headteachers involved were appreciative of the way this very difficult period was approached.

4. **Students, families and communities as a whole will find it very difficult to adjust to any changes.**

Dudley has managed numerous changes to the pattern of schooling at several critical points over the last 60 years. Political, educational and demographic changes have led to the building of new schools, changing their sizes and closing schools. Since 1960 at least 57 schools have closed, amalgamated, opened or undergone changes in size or other characteristics. Compilation of these details is in progress and the latest position is attached in Annex 4.

The students, families and communities in which these schools were located have adjusted to the changes. It is expected that with appropriate levels of support for children, parents, staff, governors and the community that adjustments will be made. Several practical support measures are planned ranging from strategies developed with the partner schools to engage pupils, parents and their families in working towards the new arrangements, direct support for parents of children with Statements of Special Educational Need and financial support for uniform changes.

Change can be very difficult but we are confident that this process will be effectively supported.

5. **Students will need to adjust to new environments and will face anxiety and stress which will affect learning.**

Children and young people are generally resilient and will often take a lead from adults. The emphasis to date has focussed on keeping schools open and finding reasons why there should be no change. It is vitally important to reach a position where decisions have been taken and efforts can concentrate on making the proposals work. This will include discussions with children about their aspirations and concerns and ensuring their views are fully taken into account when planning for the new arrangements. The opportunity for pupils currently at Sycamore Green to engage in the planning of a new set of primary school buildings and facilities will be an important part of this process. Similarly, parents, staff, governors and community users will be engaged in this process and provide architects with a more comprehensive view of the total range of aspirations. The

importance of effective engagement with adults and children as they work towards a shared vision and a design that they own cannot be underestimated. The excitement generated by this rare opportunity, created with government funding, will rapidly reduce anxiety and stress and provide a new vehicle for powerful learning experiences. These experiences will include sharing excitement with other children and adults as well as a very wide range of specific learning that could derive from planning the new school. There is no reason why anxiety and stress should result from this adjustment to new environments or for learning to be affected.

It is also very likely that many, possibly all, of the current Sycamore Green pupils will continue at Sycamore Green until the new buildings are available. This is scheduled for September 2009.

**6. Teachers, administrators and support staff will all be affected with potential losses of careers or job relocation.**

Dudley has a very good record in protecting staff. Previous reorganisation in Dudley involving changes from a mixed economy with first, middle and upper schools along with some infant and junior schools to a pattern of primary and secondary provision was completed without any compulsory redundancies. It is anticipated that there will be no compulsory redundancies arising from the Primary School Review.

The total number of staff currently employed at Sycamore Green and the other schools proposed for closure is less than the normal number of vacancies arising in Dudley in a normal year. Some additional staff will be required to manage the split site operation of schools for a short period of time and further capacity is required by national workforce reform strategy. In this context there should be no requirement for any job losses.

The Headteacher of Sycamore Green Primary retired at the end of August 2005 and the substantive deputy Headteacher is currently acting Headteacher. The proposal to continue using the Sycamore Green site will require staffing to keep the site open including caretaking, cleaning and maintenance as well as the normal range of teaching, classroom and administration support. The numbers of staff required will be determined by the number of children on the site and the total budget available.

The reduction of around 400 pupils per year means that the education budget in Dudley is falling by over £1 million per year. By 2010 there will be, using current values, around £7.8 million less in the schools budget. The proposals

mean that Dudley can protect staff through a carefully managed process. The potential for job losses is much greater without a carefully managed primary school review in which all schools would have to manage individual budgets reductions of around 10%. Cuts ranging from £500k in the smallest schools to £1.9m in the largest will inevitably mean staff cuts. Dudley Council would not be exercising its duty of care to staff if it failed to take preventative action now.

**7. Dudley citizens will be affected by traffic flow and business owners will be affected by reduction in customers.**

There is no impact on traffic flow or business owners of these proposals for Sycamore Green. Wren's Nest is less than 400 meters from Sycamore Green and Bramford Primary is just over 500 meters away. The most recent survey of how Sycamore Green children get to school (2002) showed that 72.9% walked. As the distances are very similar it is extremely unlikely that there will be any impact on traffic flow. Equally, it is extremely unlikely that there would be any impact on business owners. It could be argued that the impact of the Children's Centre and the rebuilt primary school will in time, improve training and employment opportunities and lead to higher income per capita with clear benefits for the local economy.

**8. Closure of small schools removes parental choice.**

There are 82 primary schools in Dudley for parents to express preference for. The problem of surplus places has been known since at least 1999 and the problem has grown every year. 51 of 82 schools have fewer pupils than they had the year before. The total fall in pupils attending primary schools will continue until 2010 because the children have already been born and smaller year groups are working their way through the primary school system. The proposals will ensure that all schools have enough money to provide the breadth and quality of education that pupils are entitled to and are sustainable for the foreseeable future. All schools will be affected by the financial implications of falling numbers. Small schools will be more affected because they do not have the economies of scale of flexibility that larger schools have.

Small schools do not mean small class sizes. Small schools mean less money and the probability of larger class sizes as there are fewer opportunities to subsidise the higher cost of small classes or group work from within the school budget. Small schools mean fewer staff available to perform the same range of tasks that are shared by a greater number of staff in larger schools. Either staff work harder or tasks take longer or are not completed. Without additional funding from government there is a clear contradiction between the presumption in favour

of small schools and other policies including Gershon efficiencies, working time directive, workforce remodelling and inspection frameworks for assessing school performance.

Parents should have confidence in the quality of education provided in any school. The proposals will ensure that all schools are as good as they should be and in this case release substantial capital investment to provide superb facilities fit for 21<sup>st</sup> century learning. The objectives underpinning this particular proposal are entirely in line with the Chancellor's 2005/6 budget speech in which he announced substantial capital investment for replacing up to half of the primary schools in England.

**9. Teaching methods and quality of teaching are affected when teaching larger classes.**

Legislation requires every child aged 5 – 7 in Key Stage 1 in maintained schools to be taught in classes of 30 or less. This legislation does not extend to pupils aged 7 – 11 in Key Stage 2. In Dudley no children are taught in classes of over 30 in Key Stage 1. Schools will plan their class sizes taking into account several factors

- Number of children in each year group, key stage and total
- Any specific learning requirements of individual or groups of children
- Number of classrooms
- Size and shape of classrooms
- Number of staff available and required to meet defined ratios e.g. nursery age children, mid-day supervision.

It is a matter for the governing body of each school with advice from the Headteacher, to determine within the budget available how children will be grouped in classes.

In January 2005 there were 26,195 pupils in reception to year 6 classes in Dudley schools. There were 1,299 full time equivalent (FTE) teaching staff. This gives a pupil teacher ratio of 21.2 pupils to each full time equivalent teacher. As some teachers will not have a full time teaching commitment the average class sizes will be higher than 21.2 in many schools. There is some significant variation. For example, in January 2005 there were 184 pupils, 11 FTE teachers and a pupil teacher ratio of 16.7:1. As pupil numbers fall, schools will have less money in budgets to pay for staffing leading to reductions in staffing and increased class sizes. This is inevitable if we maintain the current pattern of 82 primary schools with more schools losing income through higher numbers of surplus places whilst

facing increased costs of staff salaries, supplies and services and accommodation.

The Primary School Review proposals are focused on ensuring that there are fewer schools (76) but each one will have sufficient pupils to attract the money needed to pay for the quality of education that children are entitled to and the quality of environment that staff are entitled to work in. In Jan 2010 the predicted number of children attending Dudley primary schools is 23,838. To maintain the same pupil teacher ratio as now would require a minimum of 1,124 FTE teaching staff. It is very likely that schools will look to use the resources released from reducing the number of schools to invest in additional staffing to cater for the increased number of pupils in some schools, increase flexibility for 1:1 or small group teaching, or to support the opportunities provided through new initiatives such as workforce reform, Children's Centres and Extended Schools. The number of teachers likely to be in post in January 2010 could be significantly higher than 1,124 if the resources are released to cover the costs.

There is no reason for class sizes to increase through implantation of these proposals.

**10. The Authority has not specified exactly where funding will come from to 'merge' and build new schools, nor land available for new schools.**

A bid was made to the DFES for capital funding to replace Wren's Nest Primary School. The bids have to meet a range of specific criteria including the removal of surplus places. The bid made reference to closure of Sycamore Green School as part of a Primary Schools review and was also linked to the commitment to build a Children's Centre on the Wren's Nest site. All of the land is in Dudley Council ownership. Dudley received notice from the Secretary of State that the £4.5 million had been allocated for the purpose of rebuilding Wren's Nest Primary School. The letter is attached as Annexe 3.

**11. Any rise and decline in birth rates are of a cyclical nature and will increase again.**

Dudley has responded to changes in the demand for school places on previous occasions both in the total numbers of children and in local areas. The Office for National Statistics (ONS) was established as the primary source for a wide range of data on many different areas. Data on birth rates is collected from health authorities and undergoes a series of quality checks before they are posted as official statistics. The birth rates for Dudley show a marked decline from a peak of 4,116 live births in 1990/01 to 3,344 in 2003 a drop of around 18%. The birth



rate showed a slight increase to 3,514 in 2004 but the average taken across any period of three or more years shows a downward trend. The ONS projections to 2030 show stabilisation at around 3,300. Similar trends are evident for neighbouring authorities.

The Primary School Proposals are not driven by predicted birth rates. The numbers of children that will attend Dudley primary schools in 2009/10 have already been born and the fall in total numbers has been evident in January pupil counts since 1997. These figures are robust as they are required for statutory returns to the DfES and based on identifiable children.

The ONS data records actual birth data recorded in previous years and shows long term predictions. These figures show that Dudley's annual birth rates are predicted to settle at around 3,300 per year for the foreseeable future. If the birth rate were to rise would take at least five years for there to be any impact on schools and there are sufficient surplus places built in to the proposals to cater for any growth. Any such growth would be too late to change the severe financial implications facing schools now and over the next few years.

**12. This is merely a paper exercise to cut costs and has not taken into account the value of service provided by the school.**

There is no doubt that the birth rate has fallen in Dudley and that on this basis there will be fewer children attending primary schools each year until 2010. There is also no doubt that using current values for the allocation of funding based on pupil numbers there will be £7.8 million less in school budgets compared with this year. This will be £7.8 million income for schools to meet the costs of providing education. This will be the case irrespective on any action taken by Dudley. The proposals will result in a pattern of primary school provision that makes better use of the resources available enables schools to continue their drive to continually improve the quality of education provided.

**13. The impact of policies such as child tax credit, increased support for childcare, better maternity and paternity pay and leave and the Child Trust fund on birth rates has not been taken into account.**

Schools receive their funding on the basis of how many pupils attend Dudley schools overall and how many attend individual schools. The need to take action now is based on the fact that the birth rate has already fallen and the budgets that schools will receive over the next few years will be lower accordingly. These policies have led to any increase in the live birth rates for Dudley and there is no evidence of the likelihood of any future impact. The government official source of

statistics, the Office for National Statistics shows that long term projections for birth rates will remain at the lower level of around 3,300 per year. Should there be any increase in the birth rates the proposals include over 1,600 surplus places and there is further scope to increase capacity in the very unlikely event of it being required. Dudley is already a developed area in terms of land use. The only possibility of additional demand for school places would come from the conversion of substantial tracts of employment land being used for housing which is likely to have the effect of reducing employment opportunities for local people. Dudley Council will need to balance these issues very carefully in its long term planning for the area.

**14. The impact of increased housing development in the area has not been taken into account.**

All known housing developments have been taken into account in the proposals and sufficient places included to take account of any additional demand. There is additional capacity already in the land and buildings available to Dudley schools to meet the demands from any windfall sites. Please see comments in point 13 above. Further details are available in Appendix 1 of the Cabinet Report attached as Annex 6.

**15. Reducing admissions at Sycamore Green to one class entry would reduce capacity to 210 which could easily be achieved by other methods.**

The problem faced by Sycamore Green is that there are not enough pupils to attract sufficient money to pay for the costs of running the school. As the numbers decline the difficulty of maintaining the quality of provision becomes more difficult as income is declining whilst the cost of staff salaries, supplies and services and premises is increasing. Reducing the planned admission number to 210 would not help as the school cannot attract enough pupils to fill to 210. The number of pupils attending Sycamore Green have fallen from 313 in January 1997 to 184 in January 2005. At the time of writing the number had fallen to 165. As smaller year groups and lower entry numbers at reception work their way through the primary system the numbers will continue to fall. Sycamore Green Primary School cannot meet the costs of providing education without reducing expenditure on staffing and other areas. This would inevitably affect the quality of education offered.

**16. Proposals for extended schools provision, nurseries and other facilities have been drawn up for the school to help with falling admission numbers, but this fact has been ignored by the local authority.**

Dudley Council receives funding from government for these areas. The core funding for schools is based on the number of pupils attending primary schools. The calculations take into account pupils of nursery age. The same problem applies however that as the birth rate is falling the number of children in each age group also reduce over time and the total revenue received is less. Dudley Council has a strategic role in ensuring that there are sufficient school places and sufficient places for three and four year pupils in Dudley overall and in each locality. The provision for three and four year olds is met through maintained provision in schools and through other settings both in the private and voluntary sector and some of these settings are also on school sites. The cost per pupil for three and four year olds is higher than that for pupils in other primary age groups. This is because of the staffing ratios required, the high cost of equipment and facilities and the relatively low level of funding per pupil available from government. Most primary schools with nursery provision use the overall budget to ensure that the provision is adequately funded and many would see the budget allocations both as an internal subsidy and a sound investment in the future. Where schools have too few pupils and declining budgets such as Sycamore Green, the choice is not available. Small schools do not have the financial flexibility to offer the range of provision available in larger schools.

All schools will be Extended Schools in line with government policy by 2010. Dudley Council in the same way as all councils have prioritised in collaboration with schools where the initial allocation of funding for Extended Schools should go. This programme will gradually extend to all other schools in Dudley. It is important to restate the fact that funding for extended Schools provision is only intended to add additional services and there is not sufficient money to subsidise schools that do not have a secure financial base. Extended Schools money would not be sufficient to compensate Sycamore Green for the core funding lost through falling pupil numbers. There are no guarantees that Extended School money will be available for the long term future and Dudley Council must ensure that schools are not only financially viable now but sustainable for the foreseeable future.

**17. Sycamore Green serves areas of high deprivation where children need more support and stability, not less.**

The Secretary of State recognised the strength of this case when allocating the £4.5 million pounds to replace Sycamore Green with an enlarged and rebuilt Wren's Nest Primary School. The bid included information on deprivation and a wide range of other factors and was rigorously assessed against a range of criteria by the DfES. The proposals will provide an opportunity to build a stronger

community through engagement in shaping the design of the new facilities and the service that will be provided.

**18. School academic results are increasing.**

Dudley schools have shown improvement in Key Stage assessments over a period of years. A great deal of sustained effort by schools with the support of Dudley Council and others has helped drive this process. The ability of schools to continue their focus on improving the quality of education and the standards achieved is seriously threatened by the financial position resulting from falling numbers. Schools cannot continue to focus on improving standards when they are forced to balance their declining budgets by reducing staff, spending less on supplies and services and premises. These proposals will ensure that all children continue to be taught in properly resourced schools. The proposal for children to become part of a new set of building and facilities fit for 21<sup>st</sup> century learning is a very good opportunity for children currently attending Sycamore Green and the future generations of children across the area.

**19. Facilities are of a high quality and have recently been improved with extra investment.**

Sycamore Green was built in the 1950s, extended in the 1970s and has invested in recent improvements. Each school is regularly assessed for condition, suitability and sufficiency in terms of number of places. Some of the condition issues listed in Section 2 of this report have been addressed but some major items remain outstanding including the boiler replacement. The November 2004 survey of the facilities in terms of fitness for purpose (suitability) also identified a range of shortfalls. The school is not fully accessible for people with mobility difficulties.

Sycamore Green is in reasonable condition but the facilities cannot be fairly described as high quality when compared to the new schools in Dudley and many of the more recently built schools or extensions.

Dudley receives capital funding from government to address problems with school buildings. The funding is limited however and allocations are prioritised through the Asset Management Group which includes headteachers, governors and officers. It is likely that the demand for funding will always exceed the money available and decisions are made on priorities. With 82 primary schools the chances of being funded through this process are less than they would be with a smaller number of schools competing. The proposals to close Sycamore Green

will reduce the condition backlog liability at Sycamore Green and Wrens Nest and increase the possibility of capital funding for other schools.

**20. The local authority has failed to ensure people have been properly notified of the statutory notices and told how they can respond.**

The requirements for statutory notices is detailed in legislation and in the guidance published by the DfES. This includes requirements for the content and structure of notices, where, when and how they should be published and details for how people should respond.

The statutory notices were produced with advice from the DfES and published in accordance with the legislation, guidance and advice received.

There has been extensive coverage of the process in the local media. Headteachers, Chairs of Governors, Area Committees and others have been informed of the process regularly since May 2005. The number of responses received as representations (objections) confirms that there has been no difficulty in responding. A few concerns were raised about the impact of the holiday period and the difficulty of submitting representations but arrangements were made to ensure that receipt on 3 January would be acceptable for papers dated 2 January or earlier.

## **CONCLUSION**

It is considered that a compelling case for the closure of Sycamore Green Primary School is in existence. The case for closure of the school is based on the substantial and incremental fall in the live birth rate over the last few years. The fall in pupil numbers has been known in Dudley for at least 8 years and a framework of principles and statement of intent for using in formulating specific school proposals was developed early in 2005.

Sycamore Green has seen a fall in the number of pupils attending from 313 in 1997 to 165 in January 2006. Nearby Wren's Nest Primary School will be completely rebuilt with DfES Targeted Capital Funding to create learning facilities for the 21<sup>st</sup> century and along with the Children's Centre scheduled to open in 2006 will provide major new facility for the whole community. With these new facilities children have better opportunities across the full scope set out in Every Child Matters. Dudley Council is implementing its School Organisation Plan Commitment to address surplus capacity and create a new pattern of schools that are financially and educationally sustainable.

Existing and intending pupils of Sycamore Green can be confidently expected to receive better overall provision at Wren's Nest and Bramford Primary Schools. These schools are willing and capable of welcoming the displaced pupils from Sycamore Green without detriment to those schools or their existing pupils. The proposals to continue using the Sycamore Green buildings as an annex of Wren's Nest Primary during the completion of the rebuilding of the work will ensure a high degree of stability and integration. This is consistent with Dudley Council's declared aims of putting children and young people first and improving educational standards and achievement for all. Although the Early Years Development and Childcare Partnership have not expressed a view on these proposals, there is strong support for the establishment of a Children's Centre at Wren's Nest Primary School. It is anticipated that the EYDCP would support a proposal that improves access for all children and families in the local area including Sycamore Green to the range of excellent services that will be available.

The Secretary of State has established a presumption against the closure of small schools. The compelling nature of the case for closure of Sycamore Green speaks for itself in the specific local circumstances. Acknowledging that this presumption is in existence, Dudley Council contends that it can be and is clearly rebutted in respect of the closure proposals for Sycamore Green.