

DUDLEY SCHOOL ORGANISATION COMMITTEE

Wednesday 7th February, 2007 at 6.00 pm in the Council Chamber,
Council House, Priory Road, Dudley

PRESENT: -

Councillors Mrs Dunn, Finch, Nottingham, Ms Partridge and Mrs Walker (Local Authority Group);
Mrs Blunt (as alternate Member for Mr Bell), Mr Conway, Mrs Lewis, Mr Patterson and Mr Timmins (Schools Group);
Reverend Wickens (Church of England Group);
Mr Spurrell (Roman Catholic Church Group)
Mr Cunningham (as alternate Member for Ms Cosgrove) (Learning and Skills Council Group)

Officers

Mr Sladdin (Pinsent Masons) – Independent legal adviser to the Committee, Mr Jewkes and Mr Sanders – Directorate of Law and Property, Dudley MBC, representing the Secretary to the Committee

Also in attendance

Mr J Freeman, Director of Children's Services of Dudley MBC, Mr R Watson – Assistant Director of Children's Services of Dudley MBC, Mr K Edwards, Directorate of Law and Property, Dudley MBC – as Legal Adviser to the Local Authority Group, and approximately forty members of the public

1. **CHAIRMAN'S REMARKS**

The Chairman welcomed those in attendance and advised the meeting of the procedure which would be followed in respect of Agenda Item 6 – Cradley High School.

2. **CHANGE IN ORDER OF BUSINESS**

RESOLVED

That Agenda Item 5 – Constitution, be considered as the final item of business.

3. **MINUTES**

It was noted that the minutes of the meeting of the Committee held on 31st January, 2007, would be submitted to the next meeting of the Committee for approval as a correct record.

4. DECLARATIONS OF INTEREST

Mrs Blunt and Mrs Jessup declared an interest, in accordance with Paragraph 4.2 of the Constitution and Terms of Reference of the Committee, in Agenda Item No. 6 – Cradley High School, in that they were Governors of schools referred to in the paperwork submitted by the Local Authority in respect of that item.

Councillor Ms Partridge requested clarification in terms of her position and that of Councillor Finch, in view of the fact that Councillor Sparks, Leader of the Labour Group of Members of Dudley MBC, had submitted a formal objection to the proposals for the discontinuation of Cradley High School, which was to be considered under Agenda Item 6. In responding, the Legal Adviser confirmed the advice issued by the secretary to the Committee that as neither Councillor Ms Partridge nor Councillor Finch had made representations themselves regarding the proposals, their position in respect of the matter had not been prejudiced.

5. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Mr Bell (Schools Group), Ms Cosgrove (Learning and Skills Council Group), Reverend Morphy (Church of England Group) and Mr Potter (Roman Catholic Church Group).

6. APPOINTMENT OF ALTERNATE MEMBERS

It was reported that Mrs Blunt was serving as an alternate Member of the Schools Group in place of Mr Bell, and that Mr Cunningham was serving as an alternate Member of the Learning and Skills Council Group in place of Ms Cosgrove.

7. CRADLEY HIGH SCHOOL

(a) Presentation by Dudley MBC, as Local Authority

The Committee considered the proposals by Dudley MBC, as Local Authority, to discontinue Cradley High School with effect from 31st August, 2008.

In this regard, the Committee considered the documentation submitted by Dudley MBC, a presentation on which was given by the Assistant Director of Children's Services (Resources), Mr Ray Watson. In his presentation Mr Watson drew particular attention to the following issues: -

- The falling demand for school places in Dudley and the need to address the issue of surplus places, which had now manifested itself in the secondary phase of education.
- The financial position at Cradley High School, which made the continuance of the school untenable. Because of the high level of surplus places at the school, Cradley was the most expensive school per pupil in Dudley. The most recent budgetary information provided showed that it was currently running at a deficit of £120,000, with an additional overspend of £74,000 on its Leisure and Adult Learning budget. The number of pupils it was anticipated would be joining the school in September 2008 meant that a budget deficit in 2007/08 of approximately £494,000 was projected. This would have to be met from the staffing budget and would result in the school being unable to maintain its curriculum. The Assistant Director indicated that the deficit could not be funded from other schools' budgets.
- The manner in which consultation had been affected during the period from 6th July 2006 to 28th September 2006. A full consultation document had been issued and a public meeting had been held, together with a number of meetings with parents, staff and governors. The document, a copy of which was included in Appendix 1 to the prescribed information, had been circulated widely and made available online. In view of the multi ethnic population in the Cradley area, efforts had been made to ensure that people who spoke English either sparingly or not at all had been reached. This had been done by circulating documents in Arabic and offering to translate documents into other languages and make interpreters available at meetings.
- All responses to the consultation, copies of which were included in Appendix 2 to the prescribed information, had been acknowledged in writing. Many of these letters of acknowledgement had responded in detail to the points raised. Responses to the consultation had been taken into account before the statutory notice of the proposals to close the school had been published.
- As indicated above, the reason for closure involved the steady fall in demand for places at the school and staffing implications in connection therewith. Birth rate in the Borough had fallen by 20% in the last ten years, with the number of surplus places growing and applications for school places falling across the board. At Cradley High School, numbers had fallen year on year for some time and only 34 first preference applications had so far been submitted for entry in September 2007. Parents had been requested to indicate their preferences prior to proposals to close the school having been made public and therefore the proposals had not influenced expressions of preference. This number of applications was not sufficient to sustain the school and there was no evidence that the kind of major residential development which would be required to sufficiently increase the number of children applying to Cradley was on the horizon.

- Although the staff had been successful in improving examination results over the last four years, improved standards had not brought about a corresponding increase in demand for places at the school. Although 73% of Year 11 pupils had obtained five GCSEs grades A* to C in 2006, only 31% had gained these grades including Mathematics and English. If the school remained open, standards would inevitably deteriorate and opportunities for pupils would be diminished due to the reductions in staffing that would have to be made, in view of the budgetary situation. In addition, all of the nearby schools to which Cradley pupils were likely to be reallocated in the event of closure maintained either equal or higher standards according to Ofsted.
- Many Cradley High School pupils already lived in close proximity to alternative schools and those schools would be requested to make places available in the event of closure. However, should the proposals be approved, in order that those who did have to travel to their new school by bus would be provided the most suitable and convenient service possible, the Local Authority had met and were continuing discussions with Centro on the modification of existing bus routes and timetables in the area to meet the new demand. Additional support would also be provided where necessary to those pupils affected who used English as a Second Language (ESL) and those who had Special Educational Needs (SEN).
- Dudley Schools Forum, the statutory body responsible for advising the Director of Children's Services on financial matters regarding schools, had met on the previous evening and had agreed a financial package to support the closure proposals. The arrangements had been made in order to assist both the pupils who were displaced as a result of the closure, and those schools who would be required to accommodate them, during the transitional period.
- In relation to staffing, in the event of closure the Directorate of Children's Services would support Cradley High staff in obtaining suitable redeployments or pursuing other employment opportunities. It was not envisaged that any compulsory redundancies would be required and the Trade Unions, who had been consulted throughout the process in relation to staffing issues, had not objected to the proposals.

(b) Questions on the Local Authority Presentation by Members of the Committee

Questions asked by Members of the Committee at the conclusion of the presentation, and responses given by the Local Authority, were as follows.

A Member commented that the members of the public in attendance at the meeting appeared to be dissatisfied with the consultation process and requested the Local Authority's response to this. The Assistant Director commented that consultation was always the most controversial part of the process of making statutory proposals for the closure of a school, particularly when the majority of the consultees opposed the closure

outright, regardless of the specific circumstances, but confirmed that the statutory requirements had been followed.

A Member raised the question of whether or not the Local Authority would be providing financial support to the children affected by the closure to assist them with paying for public transport should they require it. In responding, the Assistant Director reiterated that whilst the Local Authority would be meeting with local public transport providers with a view to adjusting bus routes and timetables in the area, current legislation required the Local Authority to provide financial support for children over the age of eight who had to travel in excess of three miles to attend school. As all of the children currently attending Cradley High School lived within three miles of the schools they were likely to move to, it was not anticipated that any would qualify for this support.

A Member enquired as to whether any of the responses to the consultation had expressed support for the proposal. In responding, Mr Watson stated that several responses had been received, copies of which were contained in Appendix 2 to the prescribed information, which supported the closure of the school. However the vast majority had opposed the closure. He commented that this was to be expected as the residents of Cradley naturally did not want to lose their school. However, none of the responses opposing the proposals had offered any alternative to closure, as the school was not viable.

(c) Representations from the Headteacher, Chairman of the Governing Body and the Public

At the close of questioning, the Chairman advised that a period of 30 minutes would follow in which members of the public would be allowed to make oral representations, and invited those who wished to speak to make themselves known. Accordingly, the Headteacher of Cradley High School, and the Chairman of the Governing Body, Ms T Fowler and Mr S Freer respectively, and Mr R Hill, Ms K Fletcher, Mr J Payne and Ms T Priest then spoke on behalf of the objectors to the proposal, making the following points against the proposals: -

Ms Fowler

- According to numerous Ofsted reports, Cradley High School was a good school which served its local community and whose progress in terms of examination results had been exceptional.
- 50% of the school's pupils were on the SEN register yet were achieving well with the dedicated support of twenty of the seventy staff employed at the school, with GCSE results in English and Mathematics continually improving.
- Cradley High School was a small school with a genuine learning community in which children with challenging problems did well. Moving the pupils to a bigger school would jeopardise their progress.

Mr Hill

- Local families, when surveyed by the Cradley Action Group, had supported the need for a local school within walking distance of their homes, and many of these families had young children who would not be of secondary school age for some years yet.
- The school's profile had been raised by its recent GCSE results and its position as one of the top 5% of schools in the country in terms of Value Added in Years 10 and 11. In time these achievements would add to demand for places at the school.
- The proposals had not been properly thought through and the Local Authority had mismanaged the process for proposing the closure. Parents had been informed of the proposals through the media, the consultation had been held during the school holidays, details had been changed and requests for further information had been ignored.
- Closing the school would inflict a great loss on a community which was already disadvantaged and socially deprived. The closure would remove the only school within walking distance for most pupils, and would not necessarily improve standards as it would demoralise the children and make their educational development disjointed.
- Closure of the school would be damaging to community cohesion as the children of Cradley would be divided up and educated in various schools both inside and outside Dudley. A large section of the community employed English as a second language and as such had not been properly consulted on the proposals.

Mr Freer

- The procedure for the closure was flawed due to the manner in which the consultation had been undertaken. The Local Authority had launched a consultation on 19th June 2006 entitled 'Developing Education for Dudley' which was intended to be a conversation with the relevant stakeholders in Dudley regarding the formulation of an overarching strategy for the future of school organisation in Dudley. This consultation had ended in early October 2006, following the close of the consultation on the proposed closure of Cradley High. Therefore, the proposal to close Cradley High had been made before a strategy which was designed to inform and direct the Secondary schools review process had even been formulated.
- Cradley High School was not being put on a level footing with other schools in the Borough which also had falling rolls. The school was being excluded from the process of planning school places for the future and was being proposed for closure without being taken into consideration as part of a wider, considered strategy.

Ms Fletcher

- The school provided an invaluable service to its pupils, 50% of whom had SEN, with the number of learning assistants rising considerably over recent years.
- The school's SEN pupils, 12 of which were statemented, had performed excellently in examinations, with 27% obtaining five GCSEs of grades A* to C in 2006. Parents now chose Cradley High because of the high quality SEN support which was available there.
- The school's main strength was its size. Most staff lived nearby and consequently developed a close knowledge of their pupils and their individual needs. Moving these pupils to new schools would disrupt and disorientate them, to the detriment of their educational development.

Mr Payne

- The assumption that birth rate had declined and would not rise again in the future was misguided, particularly given the fact that national figures showed that fertility rose in 2005.
- Mr Payne contended that the closure proposals were motivated primarily by the possibility of generating substantial capital receipts from the sale of the school site, rather than for educational reasons.
- The schools which would receive the displaced children in the event of closure would be adversely affected by the sudden influx of additional pupils. For example, Windsor High School, which was one of the schools which would be expected to take some of the children, had already seen its capacity increased by 55% from 900 in the 1980s to 1400 in 2006. The further increase of the school's intake would create overcrowding to the point that the children's safety would be at risk. In addition to this problem, the dispersal of the Cradley High pupils into schools which were already full would be to the detriment of their education.

Ms Preece

- That the Local Authority had broken its word regarding the proposals. Whereas at earlier points in the process the Local Authority had indicated that it regarded Cradley High as a special case and would therefore be providing financial support for public transport for children who lived within three miles of their new school yet still had to travel by bus, the Authority was now only prepared to provide this support for children having to travel in excess of three miles.

- That the closure of Cradley High would have a detrimental effect on the social lives of the displaced children, in that they would have to leave their houses extremely early in the morning to travel to school and would not arrive home at the end of the day until very late, meaning that they would have very little free time for social and other activities.

(d) Questions on Points Raised in Representations

Following the representations by the public, the Chairman invited Members of the Committee to ask any questions arising from the representations.

A Member raised issues regarding the budgetary situation at the school, requesting clarification as to how the deficit had become so sizeable. In responding, Mr Freer, the Chair of the Governing Body at the School, stated that the figures quoted in the presentation of the Local Authority were not current and that the school had made progress recently in reducing the deficit. In relation to the assertion that the deficit would grow to up to £494,000 in the next twelve months, he commented that the financial position of the school in terms of funding for future academic years had been adversely affected by the publication of proposals to close it, as parents did not wish to apply to a school which they felt was on the verge of being closed.

In relation to the issue of falling rolls, a Member commented that the number of applications for entry to the school had been falling for some years prior to the publication of proposals to close it. He enquired as to what actions the Governing Body had taken to try to remedy this problem and increase the number of applicants. In responding, Mr Freer stated that under the guidance of the Local Authority, the school had focussed all its efforts on raising standards, which had undeniably improved, in the hope that this would increase intake. In relation to this point, the Director of Children's Services, Mr John Freeman confirmed that he had advised the school to focus on improving standards in order to increase the attractiveness of the school to 'first preference' applicants. However, while the school's examination results had improved, a corresponding rise in demand for places at the school had not materialised.

The manner in which the decision to proceed with the closure proposals, after the consultation period had expired but prior to the publication of statutory notices, had been imparted was discussed and explained by the Assistant Director of Children's Services (Resources).

In response to a question from a Member regarding the management of the schools' finances should it remain open, the Assistant Director stated that the current £194,000 overspend from the 2006/07 academic year would be carried over to 2007/08, and would be added to a new deficit for that year's budget caused by the continued maintenance of surplus places. Consequently, the school would have a deficit of approximately £494,000 to manage, which would inevitably result in serious reductions in staffing

and a consequential impact on the ability of the school to maintain its curriculum.

A Member commented that the schools efforts in improving standards were admirable, and raised the question of what activities the school had taken to raise awareness of these achievements, particularly in the local primary schools where prospective future pupils were in attendance. Councillor Crumpton, who was in attendance as a Member of the public, stated that upon becoming a Member of the Council in 2004 for the ward in which the school was situated, he had meet with the Director of Children's Services (then in the capacity of Director of Education and Lifelong Learning) to discuss problems at the school regarding exclusions and anti-social behaviour. At that meeting he had requested guidance as to what could be done to improve the school's image and increase its popularity. The Director had not advised at this point that the school was in danger due to falling rolls. The objectors felt that the Local Authority should have provided more support in helping the school to attract children in order to maintain its viability.

In responding to a question from a Member regarding support that had been provided to the school in relation to the proposals, the Assistant Director reported that the Local Authority had liaised closely with the Headteacher to ensure that the timing of the consultation and the publication of the statutory notice was agreed with her. In addition, the Local Authority had provided extensive information and support to the school and its staff regarding the implications of closure in terms of redistribution of pupils and redeployment of staff.

8. END OF PUBLIC SESSION

At the close of questioning, the Chairman advised the meeting that there would be no further public discussion of the proposals. He advised the meeting that the decision of the Committee regarding the matter would be communicated to the relevant parties via email the morning after the meeting, with a full decision letter setting out the reasons for the decision following within six working days. The parties then left the meeting.

9. COMMITTEE IN PRIVATE SESSION

At this juncture, following a short adjournment, the Committee met in private session to receive advice from the Legal Adviser on legal and procedural issues regarding consideration of the proposals. The Legal Adviser indicated the requirements of the regulations regarding group voting and referred to the issues in the statutory and non-statutory DfES Decision Makers' Guidance with which the Committee had to be satisfied.

10. DECISION MAKING

Following a preliminary discussion in which the Legal Adviser's advice was discussed, the Committee retired into its component groups to determine how they proposed to vote.

11. DETERMINATION OF PROPOSALS

The Committee reconvened to discuss and vote upon the proposals.

(a) Discussion Prior to Voting

At this juncture the Committee had regard to the Secretary of State's statutory and non-statutory Decision Maker's Guidance and the advice of the Committee's Legal Adviser and were satisfied that they had sufficient information as to the nature of the proposals, that the published notice complied with statutory requirements and that the proposal was not linked to any other published proposals. The Committee were also satisfied that adequate capital resources were available to implement the proposal.

In relation to the consultation conducted by the Local Authority, prior to the publication of the statutory notices, the Committee considered the representations from the objectors. The Committee also considered the evidence of the Director and Assistant Director of Children's Services regarding the steps which had been taken following discussions with the Headteacher and Governors of Cradley High School. The Committee noted that consultation had been achieved by information being disseminated to all the parties indicated within the DfES guidance and public meetings.

While the Committee were mindful of various objections regarding the adequacy of consultation the Committee noted the advice of the Legal Adviser that while the DfES guidance required the organisation making the proposal to consult and take into account the views of relevant parties when formulating the published proposal it did not prescribe the exact form of consultation and the process to be adopted by the Local Authority. The Committee were satisfied that the consultation had been adequate.

The Committee considered whether the proposals represented a more cost effective use of public funds. The Committee noted the Local Authority's evidence that Cradley High School was no longer financially viable, given the substantial fall in numbers on roll that had been seen over the last few years and that Cradley was the most expensive school to maintain per pupil in the Borough. The Committee was concerned at the impact of the anticipated budget deficits of £194,000 for 2006/2007, and £300,000 for 2007/2008 based on projected pupil numbers, which would mean that the roll would fall for the 2007/2008 financial year with a growing deficit of approximately £494,000. This deficit could not be offset from the budgets of other schools in the Local Authority.

The Committee also noted the Local Authority's submission that, given the above, the school would have to make substantial financial savings from its staffing budget in order to address the deficit. This would have the resultant loss of significant numbers of its teaching staff which would inevitably have a detrimental effect on standards of educational provision should the school remain open.

In relation to the need for places, the Committee noted the Local Authority's evidence that in light of the falling birth rate across the Borough of Dudley there was already surplus capacity in schools across the Borough which was sufficient to accommodate all pupils displaced from Cradley High School.

The Committee also noted the Local Authority's evidence that places were available or would be made available through the legislative powers available to the Council to accommodate pupils in alternative secondary schools in the Borough of Dudley.

The Committee accepted that the Local Authority had a need to address the issue of surplus places in order to enable a pattern of educational provision where all the Borough's schools were effective and sustainable, as stated in the Dudley School Organisation Plan for 2003 – 2008.

The Committee also considered the issue of whether the closure of Cradley High School would have an effect on the standards and quality and range of educational provision in the area. The Committee noted the evidence of the Local Authority regarding Cradley's performance in external examinations and Ofsted inspections. However, while the Committee noted the significant improvement that Cradley had made in GCSE examinations in recent years it was satisfied that alternative provision in the Borough was of a similar or higher standard and was concerned that Cradley's need to address its budget deficit, was in turn likely to have a detrimental effect on the standards of educational provision at Cradley should it remain open.

The Committee also noted that interested parties had expressed strong views in support of maintaining Cradley within the local community. The Committee took account of these views in its decision making.

The Committee also took account of other relevant issues such as the effect of discontinuance on community cohesion, transport and SEN provision and noted that negotiations between the Council and Centro had been taking place and were continuing regarding the provision of improved public transport services for pupils attending Cradley High School to reach alternative schools, and that adequate provision was in place across the Borough to accommodate all pupils with special educational needs currently on roll at Cradley High School.

The respective groups on the Committee therefore voted unanimously that the proposal to discontinue Cradley High School with effect from 31 August 2008 be approved.

However, in making their determinations, the Church of England, Roman Catholic Church and Schools Groups indicated concern that in order to improve the situation with regard to falling rolls, Cradley High School might have been more positive in their endeavours to persuade potential entrants to express a preference for the school, particularly given its improved academic achievement record over the last five years.

The Church of England, Roman Catholic Church and Schools Groups also strongly advocated that the Council continue to pursue the issue of improved public transport arrangements for pupils from the Cradley area vigorously with Centro. The Schools Group also expressed the view that the twelve statemented pupils currently at Cradley High School should not be dispersed to only one school.

B. Voting and Reasons for Decisions

There then followed a short adjournment after which the respective groups voted as follows, for the reasons indicated:

<u>Group</u>	<u>Decision</u>	<u>Reasons</u>
Local Authority Group	To approve the proposal	That to continue the school would not be viable given the current and projected funding deficit which the Group accept could not be financed from other sources. The Group were satisfied that the funding deficit would result in significant reductions in the teaching staff in consequence of which the school would be unable to maintain its current curriculum. The Group also indicated its wish that the Local Authority continue its negotiations for improved transport facilities for displaced pupils.

Black Country Learning and Skills Council (LSC)	To approve the proposal	Reasons regarding funding deficit and consequential implications to staffing and curriculum identical to those stated by the Local Authority Group. The Group were also satisfied regarding the evidence submitted in relation to the lacking number of first preferences expressed and were mindful that alternative provision could be made available at other schools available
Church of England Group	To approve the proposal	<p>The Group was satisfied that the proposals were in the interests of efficient education in the light of the implications of the funding situation insofar as the ability of the school to provide a sufficient level of staffing to sustain the school's curriculum was concerned.</p> <p>The Group regretted that action had not been taken earlier to improve the school's popularity among prospective parents.</p> <p>The Group also indicated their wish that the position regarding assurances given to parents on the issue of bus passes was clarified and appropriate action taken.</p>
Roman Catholic Church Group	To approve the proposal	Reasons identical to those of the Church of England Group.

Schools Group	To approve the proposals	Financial reasons and the implications thereof, identical to those expressed by the other constituent Groups. Regarding transport, the Group urged the Local Authority to continue discussions with Centro with a view to a positive outcome being achieved. Regarding children with statements of Special Education Needs, the Group expressed the hope that the pupils displaced would not all be allocated to the same school.
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It was therefore RESOLVED unanimously

That, in accordance with the School Standards and Framework Act, 1998 and the Regulations made thereunder, the proposals of Dudley MBC, as Local Authority, to discontinue Cradley High school with effect from 31st August 2008, be approved.

12. CONSTITUTION AND TERMS OF REFERENCE

RESOLVED

That consideration of this item be deferred to the next meeting of the Committee.

The meeting ended at 9.20pm.

CHAIRMAN