

## **DUDLEY SCHOOL ORGANISATION COMMITTEE**

Tuesday 6<sup>th</sup> June, 2006 at 6.00 pm in the Council Chamber, Council House, Priory Road, Dudley

### PRESENT: -

Mr Bell (Chairman)  
Councillors Mrs Dunn, Finch, Nottingham, Partridge and Walker (LA Group);  
Mr Conway (as alternate Member for Mrs Jessup), Mr Fieldhouse (as alternate Member for Mrs Eden) Mrs Lewis, Mr Patterson and Mr Timmins (Schools Group);  
Reverend Morphy, Reverend Wickens and Mrs Capell (Church of England Group);  
Mr Potter and Mr Spurrell (Roman Catholic Church Group)

### Officers

Ms Stroud (Pinsent Masons) – Independent legal adviser to the Committee and Mr Sanders and Mr Jewkes – both Democratic Services, Dudley MBC, representing the Secretary to the Committee

### Also in attendance

Mr Freeman, Director of Children's Services, and Mrs Porter, Assistant Director of Children's Services, representing Dudley MBC

## 1. MINUTES

### RESOLVED

That the minutes of the meetings of the Committee held on 26<sup>th</sup> January, 2006 and 2<sup>nd</sup> February, 2006 were approved as a correct record and signed, subject to the following amendments: -

The removal of the words 'but taking the view that local educational provision is a matter which if at all possible should be determined in Dudley' from the end of the Church of England Group's reasons for abstention on proposals to discontinue Sycamore Green Primary and Highfields Primary in Minute Number 22.

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## 2. MATTERS ARISING FROM THE MINUTES

In relation to the minutes, the question of why the minutes of Dudley SOC meetings were being made publicly available prior to their being formally approved by the Committee.

## RESOLVED

That in future, minutes of SOC meetings be made publicly available only after having being formally approved at the following meeting of the Committee.

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### 3. DECLARATIONS OF INTEREST

No declarations of interest were made in accordance with Paragraph 4.2 of the Constitution and Terms of Reference of the Committee.

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### 4. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Mrs Eden and Mrs Jessup (Schools Group), Reverend Johnston (Church of England Group) and Mr Seaton (Black Country Learning and Skills Council).

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### 5. APPOINTMENT OF ALTERNATE MEMBERS

It was reported that Mr Conway was serving as an alternate Member of the Schools Group in place of Mrs Jessup, and that Mr Fieldhouse was serving as an alternate Member of the Schools Group in place of Mrs Eden, both for this meeting of the Committee only.

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### 6. HOLT FARM PRIMARY SCHOOL

The Committee considered a report on the proposals by Dudley MBC to discontinue Holt Farm Primary School.

In introducing the item, the Director of Children's Services (Mr Freeman) stated that Holt Farm was a good school with one hundred years of history. He then set out the Local Authority's case in relation to the proposed closure of the school as of 31<sup>st</sup> August 2006, making the following points: -

- The school was experiencing a sharp decline in numbers and therefore in funding, meaning that as the number of pupils continued to decline, the school would be unable to maintain staffing levels and educational standards.
- The expected reception intake for September 2006 was 7 pupils, and it was anticipated that of the 280 places available at the school, just 100 would be utilised by September 2006. It was envisaged that the resulting fall in funding would ultimately necessitate redundancies.

- Olive Hill Primary, to which it was proposed that many Holt Farm pupils would be transferred, was in a similar position, maintaining a large number of surplus places and consequently experiencing serious financial difficulties.
- Due to the low number of pupils on roll, the cost to the Local Authority (LA) of running Holt Farm was £100,000 per annum higher than the average in the Borough, meaning that keeping the school open was having a detrimental financial effect on other Dudley schools.
- The proposal was to close Holt Farm school and expand nearby Olive Hill school and to construct a Children's Centre at the Olive Hill site. The Holt Farm buildings would be used as an annex to Olive Hill school for one or two years, until the building works at Olive Hill were complete. This proposal, as set out as 'option three' in the consultation process, had obtained wide support, including that of local MP Sylvia Heal. The Headteachers of both Holt Farm and Olive Hill had also agreed that the proposals were in the best interests of the pupils of both schools.
- Financial resources had been identified to facilitate the expansion of Olive Hill and the Children's Centre and Mr Freeman gave a commitment in his capacity as Director of Children's Services to ensure that adequate funding remained available.
- Part of the proposals included measures proposed by the LA designed to ensure that the transitional period was as made smooth as possible for the parents, children and staff involved. These included a commitment not to divide siblings, support for children with special educational needs (SEN), consultation with parents on the plans for modifications to Olive Hill to incorporate the children from Holt Farm, financial assistance for the purchase of new school uniforms, and a commitment to redeploy staff where possible and protect their salaries, and to offer voluntary redundancies where appropriate.

In concluding the case of the LA, Mr Freeman stated that the closure of Holt Farm was regrettable but necessary. The proposals were the best available means of reducing the inefficient use of funds caused by the maintenance of surplus places whilst maintaining educational standards for children in the area.

Following the presentation by the LA, the Chairman invited Members of the Committee to ask questions concerning the case for discontinuation of Holt Farm Primary School.

In response to a question from the Chairman, Mr Freeman confirmed that although the additional accommodation to be built at the Olive Hill site would be built on ground that was currently used as a play area, the area would not be overdeveloped and remaining play space would still be more than adequate in terms of planned pupil numbers, having regard to the relevant DfES guidelines.

Mr Patterson questioned the assertion by Mr Freeman that the proposals had the support of local MP Sylvia Heal, reading from a letter written by Ms Heal on 17<sup>th</sup> May, 2006, in which she questioned the adequacy of the consultation on the proposals, mentioning that the matter had been referred to the Local Government Ombudsman, and did not express support for the plans. In responding, Mr Freeman read an extract from a letter he had received from Ms Heal in March, 2006, in which she expressed support for 'option 3' as set out in the consultation document. It was noted that the letter to which Mr Freeman referred had not been circulated to the SOC. Mr Patterson commented that this was regrettable. In relation to the involvement of the Local Government Ombudsman, Mr Freeman reported that although complaints had been made to him regarding the decision of the School Organisation Committee on Sycamore Green and Highfields schools, as far as he was aware, the Ombudsman was not investigating the matter and no further action was being taken.

Mr Patterson expressed concern regarding the extent to which places were available at alternative local schools to accommodate the pupils displaced by the closure of Holt Farm, commenting that the combined number of surplus places in the area amounted to 96, where Holt Farm currently accommodated 116 pupils. In view of this, he commented that several children would be forced into more distant schools. In responding, Mr Freeman explained that should the proposals be approved, officers would immediately begin to seek information from parents regarding their preferred alternative school. Places would be allocated in accordance with parents' preferences until Hurst Green and Olive Hill were full, after which the usual admissions criteria would apply.

Reverend Wickens raised the question of whether or not the 'essential' construction work on Olive Hill referred to in the notice would only be essential should the proposal be approved, or whether it would still be required should the capacity of the school remain unchanged. He also commented that evidence proving the assertion of the LA that the financial resources required to implement the proposal had been identified, would be useful. In responding, Mr Freeman confirmed that construction work would be required at Olive Hill whether or not the proposal was approved. He also referred to a letter he had circulated to the Chairman of the SOC which gave his personal confirmation, in line with paragraph 38 of the Decision Makers Guidance, that the required works could be funded from resources already available to the Council through the DfES Basic Need Allocation.

In response to a question from Councillor Ms Partridge concerning the nature and purpose of the consultation conducted by the LA, Mr Freeman stated that the consultation exercise had been carried out in line with statutory requirements and was based on a set of potential options designed, in the best judgement of the LA, to maintain educational standards in the area.

Ms Stroud requested that Mr Freeman provide the Committee with a chronological outline of the consultation process, and requested clarification as to how the Council would decide the extent to which accommodation at Olive Hill would need to be extended, given the fact that the parents of the displaced children would be able to express preference as to their chosen alternative school. In responding, Mr Freeman explained that the consultation document on the proposals had been published on 8<sup>th</sup> February 2006, followed by consultation meetings which were held at the appropriate schools on 9<sup>th</sup> and 21<sup>st</sup> February, and the eventual publishing of statutory notices on 6<sup>th</sup> April. In relation to the required capacity of any new build at Olive Hill, he confirmed that should the proposals be approved, the size of any new accommodation would be determined according to the preferences expressed by parents in the area in relation to the school places available as of September 2006.

Mr Patterson commented, with reference to page 43 of the LA response to objections to the proposals, that the level of commitment to staffing protection appeared contradictory in that the Council, while admitting not being able to 'give guarantees of jobs', also claimed that no redundancies would result from the closure of Holt Farm Primary. In responding, Mr Freeman stated that while the Council was committed to avoiding any compulsory redundancies, it could not guarantee where and at what level staff affected by the closure would be redeployed. Although employment of a similar nature was being guaranteed if required, specific jobs and their locations could not.

Mr Patterson expressed concern regarding the timescale in which the proposal, if approved, was to be implemented. He made particular reference to the fact that the 2005/06 academic year would be coming to a close in just six weeks time. In responding, Mr Freeman commented that the Headteachers of both Holt Farm and Olive Hill had worked on the plans for the implementation of the proposals should they be approved, and the LA believed them to be both reasonable and achievable. He added that the rejection of the proposals would only prolong the uncertainty regarding the future of the school, and that this would be far more difficult and damaging in the long term.

In referring to point one of the five preliminary points with which SOC had to be satisfied before making a decision, Councillor Ms Partridge commented that no information had been included in the documentation provided by the LA concerning the benefits of small schools like Holt Farm. She requested that Mr Freeman provide some information in this regard. In responding, Mr Freeman said that while small schools were seen as justifiable in rural authorities with dispersed populations, this was not generally so in urban areas where larger number of schools were concentrated as they were they were considerably more expensive to operate than larger schools. Holt Farm cost the LA £100,000 a year more than the average Dudley school, meaning that the school was effectively swallowing funding which could be deployed more efficiently to improve standards across the Borough. Furthermore, if Holt Farm remained open,

redundancies at the school would be necessary in the near future as schools were funded on a per pupil basis. This would result in large classes and mixed-age teaching groups.

Mr Conway raised the issue of how Holt Farm had been identified for closure over other similar Dudley schools. Mr Freeman responded by saying that the criteria included the size of the school, the extent to which numbers had fallen and would continue to fall in future years based on birth rate figures, and the extent to which each school was cost-effective. He added that details of the criteria could be found in the consultation document issued previously by the LA.

In response to a question from Councillor Finch, Mr Freeman confirmed that the intake at Holt Farm had declined consistently over time, with 26 children currently in Year 2, 14 in Year 1, 10 in Reception and 7 due to join enrol in September 2006. He conceded that the fall in numbers in the past few years was in part due to the uncertainty of the future of the school but added that this did not explain the gradual decline the school had experienced in the years before the possibility of closure had been discussed.

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. Mr R Howells, Mr S Rollason and Mr P Everington then spoke on behalf of the objectors to the proposal, making the following points against the proposals: -

#### Mr Howells

- The process and reasons for selecting Holt Farm rather than similar schools in other areas in Dudley had not been explained to parents. No document was available indicating how each school had fared in the Primary Review and the fact that one school in each township appeared to have been earmarked for closure seemed to oversimplify the issue.
- The consultation process had been mismanaged by the LA. The consultation documents were confusing and lacked clarity and requests for further information had been ignored. The schools across the border with Sandwell MBC, who would be expected to accommodate many of the children displaced by the closure of Holt Farm, had not been consulted.
- That the consultation had excluded the ethnic minority groups in the area, from which 27% of Holt Farm's pupils originated. Ethnic community groups had not been directly consulted and the consultation document and other related literature had only been produced in English. In addition to this, local residents and prospective parents had been excluded from meetings concerning the future of the school on the grounds that they did not currently have children who attended the school.

- That accommodation for nursery children currently attending Holt Farm would be unstable and inadequate in the 2006/07 academic year, meaning that the proposal did not meet the requirement to be beneficial to education.
- That children who would otherwise have attended Holt Farm would be required to cross two major roads, the A4834 and the B4869, on their way to Olive Hill. In addition, increased traffic caused by the expansion of Olive Hill would lead to further accidents and safety issues concerning the 'blind bend' near the entrance to the school.
- That the new build at Olive Hill would be over intensive, leading to reduced play space for the children and overcrowding in the new accommodation.

### Mr Rollason

- That the LA had failed, despite several requests under the Freedom of Information (FOI) Act, to make available minutes, agendas, reports and memos relating to the Primary Review process and the criteria on which Holt Farm had been selected for closure, on the grounds that they did not exist. If this was true, the decision to close Holt Farm had been taken without minutes of meetings being produced and without decisions being properly recorded.
- That the whole Primary Review process was based on the assumption that the birth rate in Dudley would fall to a certain level and then stabilise, when figures produced by the Office of National Statistics indicated that the birth rate had actually increased in recent years.
- That the 'Primary Refresh' document previously published by the LA stated that schools with surplus places should be encouraged to make positive use of their additional space for creative activities and other beneficial uses like PPA time for teachers, and that parents at Holt Farm school had worked to develop these sort of activities.
- That moving local children into a smaller number of big schools would inevitably divide communities. Holt Farm served a genuine multi-faith community, the cohesion of which would be damaged by the closure of the school.
- That the selection process which identified Holt Farm was flawed. The LA had been antagonistic towards parents and the consultation on the proposals had been inadequate.

### Mr Everington

(Prior to speaking, Mr Everington circulated a written document to Members of the Committee containing itemised points of objection to the LA report on the proposals)

- That up until the evening of the meeting, the staff and parents of Holt Farm had been led to believe that the proposals to close the school were based purely on financial considerations and pupil numbers. They now felt that the school was being made out to

- be a failing school when in fact educational standards were high.
- That closing Holt Farm would do irreparable damage to community cohesion in the area, the focal point of which was the school itself.

Following the presentation by the objectors, the Chairman invited Members of the Committee to ask any questions they had concerning their representations or any further questions concerning the case for the discontinuation of Holt Farm Primary.

Several questions were raised concerning the engagement of local ethnic minority groups in the consultation process. It was commented that mosques in the area had not been engaged and that the consultation documents were not made available in any language other than English. In responding to these concerns, Mr Freeman commented that the Dudley Muslim Association, the local 'umbrella' organisation with which the Council worked on issues affecting the Islamic community, had been consulted on the proposals, as had members of the public at several consultation meetings including Area Committee meetings. He added that all the consultation literature produced by the LA, though printed in English, made it clear that copies in other languages were available on request. No such requests had been made during the consultation period or since.

Mrs Capell referred to the fact that 27% of the pupils at Holt Farm were from ethnic minorities, and requested advice as to whether the LA was under any statutory obligation to provide multi-lingual documents to facilitate the maximum engagement with these communities during the consultation. In responding, Ms Stroud advised that while the LA was obliged to consult all sections of the local community adequately, this was a question of degree and that while there was no automatic requirement that material be translated into different languages, specific requests should usually be accommodated.

In response to a question from Mr Potter as to the school's customary approach to communicating with its parents, Mr Everington confirmed that letters and other documentation distributed by the school to parents were only provided in English.

The Chairman requested that Mr Freeman respond to allegations in the objectors' presentation that the Directorate of Children's Services had failed to respond to FOI requests concerning the identification of Holt Farm as a possible closure on the grounds that the requested information no longer existed. Mr Freeman responded by stating that the LA had responded properly to all the FOI requests it had received and that failure to respond to a request was a breach of the FOI Act. He reiterated that no minutes of officer meetings discussing the outcomes of the Primary Review were in existence as relevant documents had been gradually updated electronically, with the preceding versions being erased.



The Chairman raised the question of when it was envisaged that the Children's Centre referred to in the proposal would be completed. Mr Freeman responded by saying that it was difficult to give a precise date due to the need for planning permission to be obtained prior to work being initiated. He hoped that the bulk of the work would be complete by September 2007, but offered his assurance that if this was not the case, nursery provision would be retained at Holt Farm until the Children's Centre was ready for use.

Ms Stroud made reference to statements made by members of the public that the Local Government Ombudsman was currently investigating decisions made by the SOC earlier in the year regarding school closures. She advised the meeting that in her view the Ombudsman did not have jurisdiction to investigate those decisions of SOC, however, an exchange of correspondence had occurred between the SOC, Dudley Local Authority and the Department for Education and Skills (DfES). Both Ms Stroud and Mr Freeman confirmed that to their knowledge there was no DfES or Ombudsman investigation taking place into any previous SOC decisions.

In response to a question from Mr Patterson, Mr Everington confirmed that should Holt Farm remain open, it would be necessary to introduce mixed age groups from September 2006.

Mr Patterson expressed concern regarding the manner in which the wider Primary Review process had been managed and the strategies which had been employed. He commented that since the original proposals to close five primary schools in the Borough had been published, admissions to those schools had suffered dramatically, further exacerbating their situation and failing to solve the problem of surplus places. In responding, Mr Freeman stated that the Borough had experienced an 18% reduction in birth rate and that this inevitably meant that fewer schools were required in the Borough. In this context, the LA had consulted on closures and pupil reductions. There was an inevitable trade-off between prolonging uncertainty for parents and allowing adequate time for consultation on the proposed changes to education provision. Where the LA had adapted proposals during the process in an attempt to meet parental concerns, it had been criticised by the Schools Adjudicator for doing so.

Councillor Ms Partridge asked that Mr Everington elaborate on comments he had made in his presentation concerning his discussions with the LA regarding the reasons for the proposed closure. Mr Everington stated that until the evening of the meeting he had been under the impression that the only reason for the proposed closure was the fall in numbers at the school, as opposed to the strains on resources or falling standards. He said that he felt disappointed that the LA had not been more open with him. In responding, Mr Freeman reiterated his earlier comment that Holt Farm was a good school and that he had no criticism of its performance or of any of its staff. However, too few children were enrolling at the school for the standard of education being currently provided to be maintained in future years.

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7. END OF PUBLIC SESSION

At the close of questioning, the Chairman advised members of the public that there would be no further public discussion of the proposals for the discontinuation of Holt Farm Primary School, and advised them that they were free to leave.

The Committee then moved to the next item on the Agenda – Statutory Notice Regarding Proposed Closure Of Halesowen CE Primary And Hasbury CE Primary Schools.

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8. STATUTORY NOTICE REGARDING PROPOSED CLOSURE OF  
HALESOWEN CE PRIMARY AND HASBURY CE PRIMARY SCHOOLS

The Director of Children’s Services reported that the statutory notice previously published in respect of the proposed closure of Halesowen CE Primary and Hasbury CE Primary schools had been withdrawn by the LA, pending further investigation of the options available. Discussions were currently underway with the Diocesan Board of Education and with the schools involved, the products of which would be reported to the Committee in due course, prior to new proposals being brought forward.

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9. COMMITTEE IN PRIVATE SESSION

At this juncture, 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.

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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.

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11. DETERMINATION OF PROPOSALS – HOLT FARM

The Committee reconvened to vote upon the proposals. In relation to the preliminary factors with which the Committee had to be satisfied before a decision could be reached, the groups determined unanimously: -

1. That all the required information had been provided.
2. That the published notice complied with the statutory requirements as prescribed in the School Standards and Framework Act 1998.
3. That consultation had been undertaken prior to the publication of the notice and that the legislative requirements in this regard had been met.
4. That adequate capital resources were available to implement the proposals.
5. That the proposals were not linked or related to any other published proposals.

Members of the Committee representing all the groups present expressed concerns as to the extent to which the consultation process had actually engaged the local community. They considered that the Local Authority could have taken more steps to ensure communication with the parents of the large number of pupils from ethnic minority backgrounds in the school and the local area. Some members of the Committee were of the opinion that the consultation documentation circulated prior to the issue of the statutory notices should have been made available in ethnic minority languages. Members also had concerns about the manner in which public meetings had been handled, if it was indeed the case that local residents and prospective parents had been turned away from certain meetings.

While accepting that the Local Authority had complied with the minimum legal requirements for the consultation process, members of the Committee noted that the Local Authority's programme of school closures appeared to be generating a greater level of discontent than might reasonably be anticipated. Members noted that a greater level of engagement with the local community through the consultation process would also help inform the Local Authority as to how the impact of a school closure on the community should be mitigated. A suggestion was made that the Local Authority's consultation strategy should be reviewed through its scrutiny machinery and the Committee asked the Cabinet Member for Children's Services for an assurance that in future the consultation process would take more account of the particular characteristics of a local community and the schools within it.

The groups then voted as follows:

Local Authority Group- Approved the proposals for the reasons set out in the resolution below.

Schools Group- Approved the proposals for the reasons set out in the resolution below.

Roman Catholic Church Group- Approved the proposals for the reasons set out in the resolution below.

Church of England Group- Approved the proposals for the reasons set out in the resolution below.

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 to discontinue Holt Farm Primary School be approved, for the following reasons: -

- (a) Holt Farm was no longer viable as a small school, given the substantial fall in numbers on roll that had been seen over the last few years. Members of the Committee commented that over time the falling numbers would have an adverse impact on the variety of the curriculum and opportunities for learning that could be offered to pupils, and on the number of teachers that the school could afford to recruit and retain. It was also noted that continuing to maintain a school which had become financially unviable would also have a detrimental impact on the funding and educational provision available to other children in the Borough.
  
- (b) Both Holt Farm Primary School and Olive Hill Primary School were affected by falling rolls and that to continue both schools would not be viable or sustainable. They noted that the Local Authority had concluded that Olive Hill was the more viable school to continue. The Committee found that educational standards would not be compromised by closing Holt Farm and moving the pupils to Olive Hill and other local schools as standards at these schools were comparable.
  
- (f) There were sufficient places to accommodate pupils from Holt Farm Primary School at alternative nearby schools, including Olive Hill Primary School, and other schools inside and outside the Borough.
  
- (d) The proposal represented a cost effective use of public funds, in view of the decline in primary school pupil numbers that is occurring within the Borough. The Local Authority has an immediate need to reduce the considerable surplus primary pupil provision in order to mitigate the impact of an anticipated reduction in the budget for primary school pupils of £7.8million by 2010 and the closure of Holt Farm Primary School would help achieve this objective.

- (e) Adequate capital resources were available for the adaptation work required at Olive Hill Primary School and that, pending that work, the intention of the Local Authority to retain the buildings of Holt Farm Primary School for use by Olive Hill Primary School was appropriate.
- (f) Adequate arrangements were in place to continue the nursery provision available at Holt Farm, initially at the Holt Farm premises and eventually at a new Children's Centre on the Olive Hill site. The Committee noted that capital resources were in place for the construction of the Children's Centre.
- (g) The length of the journeys that pupils from Holt Farm would be required to travel to Olive Hill and other schools was reasonable, although there were road safety issues which the Local Authority must take action to address.

The Committee also asked the Chair and Secretary to refer to the Local Authority a number of suggestions regarding the presentation of the papers.

The meeting ended at 10.50pm.

**CHAIRMAN**