

DUDLEY SCHOOL ORGANISATION COMMITTEE

Thursday 2nd February, 2006 at 6.00 pm in the Council Chamber,
Council House, Priory Road, Dudley

PRESENT: -

Councillor Mrs Dunn (LEA Group) (Vice-Chairman in the Chair)
Councillors Mrs Aston (as alternate Member for Councillor Finch), Mrs
Ridney, Vickers, and Wright (LEA Group);
Mrs Caunt (as alternate Member for Mrs Eden), Mr Conway (as
alternate Member for Mr Bell) Mrs Jessup, Mrs Lewis, Mr Patterson
and Mr Timmins (Schools Group); Reverend Wickens (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, Mr Watson – Assistant
Director of Children's Services (Resources and Planning), representing
Dudley MBC

20 MINUTES

Mr Sanders informed the meeting that the minutes of the meeting of the
Committee held on 26th January, 2006, would be submitted to the next
meeting.

21 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.

The Legal Adviser to the Committee, Ms Stroud, made a brief statement in
relation to recent press reports questioning the eligibility of Mrs Caunt to
serve as an alternate member of the Schools Group, in view of the fact that
her husband currently held the office of Leader of the Council.

Ms Stroud reported that prior to Mrs Caunt being appointed as an alternate Member, she, along with the Director of Law and Property of Dudley MBC, had advised that, based on the relevant Secretary of State guidance relating to School Organisation Committees, Mrs Caunt did not have a prejudicial interest in the proposals being considered.

22 APOLOGIES FOR ABSENCE

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

In addition, it was noted that Councillor Mrs Aston was serving as an alternate Member of the LEA Group in place of Councillor Finch, that Mrs Caunt was serving as an alternate Member of the Schools Group in place of Mrs Eden and that Mr Conway was serving as an alternate Member of the Schools Group in place of Mr Bell.

23 BEAUTY BANK PRIMARY SCHOOL

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

In introducing the item, the Director of Children's Services (Mr Freeman) referred to a supplementary report which had been circulated in advance of the meeting providing an outline of the principles behind the Primary Review process and the proposals stemming from it. He explained that the numbers of children enrolling at schools in Dudley had fallen from 4116 in 1991 to 3444 in 2003/04. This represented a drop of 18% and as education was funded on a per pupil basis, this reduction in birth rate meant that the financial resources available to the Local Authority had also declined dramatically. Projections provided by the Office of National Statistics predicted that the birth rate in the Borough would stabilise in the next 20 years, meaning that the school population in Dudley would even out at approximately 3300. Should this projection prove correct, the education funding provided to the Local Authority would be reduced by approximately £7.8 million compared to current levels.

The Assistant Director of Children's Services – Resources and Planning of Dudley MBC (Mr Watson) then set out the Council's case in relation to the proposed closure of Beauty Bank Primary School. He echoed the sentiments expressed by the Director, adding that the number of children being educated in the Borough had fallen from 27,710 in 1997 to 26,195 in January 2005 and stating that this trend would continue in the coming years, with annual reductions of approximately 400 children per year up to 2010. In the case of Beauty Bank, the smallest school in the Borough accommodating 130 pupils, the maintenance of surplus places was already

having an adverse effect on the budgetary position of the school, with a reduction in funding of £50,000 expected for 2006/07. In time this continued fall in funding would mean that the school would be forced to reduce the number of staff employed at the school, resulting in larger class sizes and possibly mixed age groups. In relation to the accessibility of alternative nearby schools, a map was provided for Members of the Committee showing that of the children of school age living in the 'super output area' in which Beauty Bank was situated, 50% already attended primary schools other than Beauty Bank. Furthermore, surplus capacity also existed locally at Gig Mill, Amblecote, Greenfield and the Ridge Primary Schools.

In relation to the LA's plans for managing the closure of the school and the partnering with Greenfield Primary School should the Committee approve the proposal, it was reported that a number of measures were planned to ensure that the process was completed with as little distress and disruption to pupils as possible. These included the provision of additional funds as approved by the Dudley Schools Forum to provide replacement uniforms for Beauty Bank pupils who would be integrated into the annex and retaining the Beauty Bank buildings in order that community services provided there could continue. Regarding the Early Years services provided by the school, the Director of Children's Services reported that provision would remain on the Beauty Bank Site until better facilities were available elsewhere and that it was the intention of the LA to keep the Early Years unit at the school open until it could be transferred to the new Greenfield school when this was built. However, a full consultation would be conducted on any proposals prior to decisions being made.

On the issue of funding for the proposals, Mr Watson reported that although the LA did plan to build a new school on the Greenfield site within three years which would accommodate the bulk of the current intake of Beauty Bank, the proposal to close Beauty Bank was in no way reliant on this new school being built. Sufficient spare capacity existed in neighbouring schools to relocate all of Beauty Bank's pupils without additional funding being required. Plans for the building of the new Greenfield school would be published in due course and would not be dependent on the sale of the Beauty Bank site for redevelopment, as other resources were available to finance the scheme.

In concluding, Mr Watson stated that Beauty Bank was no longer viable and that the disproportionate costs of funding the school were impacting on other schools across the Borough. Measures were in place to manage the closure of the school as smoothly as possible, and failure to approve the proposals would result in mixed age classes and the eventual collapse of the school.

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

On the issue of Early Years provision, Councillor Mrs Ridney asked for further information on the range of providers being considered should the closure of Beauty Bank be approved, asking specifically if opening a Children's Centre would be an option. In responding, the Director said that the amount of DfES capital funding available for projects such as this had not yet been confirmed, but stated that the LA was committed to local Early Years provision and that no decisions would be taken without a full consultation being conducted. Mr Watson added that provision was made at Greenfield by an on site private provider and that one possibility was the extension of this service on to the Beauty Bank site.

Councillor Mrs Aston raised the question of how the LA would deal with a rise in the number of children requiring primary education in the area after 2010, particularly given the fact that three major residential developments were planned locally. In responding, Mr Watson stated that although a scheme entailing the building of 116 flats in the area on the site of the former gas works had been approved, it was considered unlikely that they would be occupied by families with children. In relation to the two other schemes, no planning applications had been submitted for any other major development in the area and if the numbers of primary school children in the area did increase substantially, the number of places available in local schools could be reconfigured as necessary.

Mr Patterson commented that the number of primary school children in the Borough had been declining for ten years and that between 2000 and 2010 the amount of funding granted to the authority would actually fall by up to £13 million. He also referred to statistics circulated with the papers for the meeting which showed that the unit cost of educating pupils at Beauty Bank was actually twice that of many other schools in the Borough. In relation to the LA statement that the closure of Beauty Bank was not inextricably linked to the building of a new school on the Greenfield site, he said that the LA had previously given the impression that the closure of Beauty Bank would definitely be followed by the rebuilding of Greenfield to accommodate children from both schools and that the public perception of the proposals was that this was still the case.

In responding, the Director of Children's Services confirmed that the Primary Review process was designed to reduce the shortfall in funding which was inevitable due to the falling numbers of primary school children in the Borough and said that although the problem had been highlighted in the reports published by Ofsted and KPMG in 2000, the imminent reduction in funding meant that it was now imperative that primary provision was reconfigured, in order to prevent additional damage to schools and pupils in Dudley. Mr Watson commented that the proposal to close Beauty Bank and the rebuilding of Greenfield were not inextricably linked, as the closure of Beauty Bank was essential in maintaining the current standard of education in Dudley, whilst the rebuilding of Greenfield was an ambition for the future which would need to be proposed and consulted on in due course.

Reverend Wickens commented that the proposals under consideration did not appear to be the same as those originally set out in the consultation document and requested further clarification on the proposed relationship between Beauty Bank and Greenfield schools, given that the statutory notice stated that Beauty Bank would remain open as an annex to Greenfield until the consolidation of the two schools on a single site was implemented. He considered that this implied that there was linkage between the closure of Beauty Bank and the rebuilding of Greenfield. In responding, the Director stated that the initial proposal of the LEA was to close Beauty Bank outright but in light of the consultation responses received it was felt that employing a partnering arrangement maintaining the Beauty Bank site temporarily as an annex would enable a smoother transition and reduce the potential for distress and disruption to the children involved. The reason that statutory notices proposing the expansion of Greenfield had not been published was that it was envisaged that the increase in numbers resulting from the integration of Beauty Bank children would be cancelled out by the continued fall in pupils numbers due to the declining birth rate and by parents choosing to send their children to one of the other schools in the area, thus rendering the immediate formal enlargement of Greenfield unnecessary. However, if after the three year period specified in the Education (School Organisation Proposals) (England) Regulations 1999 the school had not returned to its previous capacity or a new school been built, statutory notices would be published proposing permanent expansion. He added that two thirds of the Greenfield parents had expressed their support for the proposals.

In relation to the consultation on the proposals, Ms Stroud asked at what point in the process the ideas of annexure and of rebuilding Greenfield had been conceived. In responding, Mr Watson explained that he had met with Beauty Bank parents on 6th October, 2005 to discuss the consultation and that the concerns expressed by parents at this meeting regarding the speed of the closure and the future of Early Years, Adult Learning and community services at the site had been taken into account in the statutory proposals published on 21st November 2005. Several additional meetings with the parents, staff and governing bodies of both schools had also been held later on in the process.

Mr Conway asked what measures the LA proposed to take to prevent damage to social cohesion in the area if Beauty Bank was closed. The Director responded by saying that maintaining a small, struggling school would itself be damaging to community and said that the buildings could still be used for community purposes. He also reiterated the commitment to consulting the community fully on any proposals for the future use of the site and said that any possible income from the sale of land would be placed back in the education budget.

In response to a question from Mr Conway concerning what the LA believed to be the good qualities of Beauty Bank school, Mr Watson said that the school was a good extended school which provided good community services. He had also been impressed by the school's commitment to Early Years and Adult education services and hoped that the provision of these services would continue. He stressed however, that the proposals were not concerned with the quality of the school, but with financial viability and sustainability of education in Dudley.

In response to a question from Reverend Wickens concerning the arrangements for parents, should the proposals for Beauty Bank be approved, the Director confirmed that the LA would contact the parents of Beauty Bank children explaining their options to them. In addition to this, Mr Watson explained that sessions would be arranged for parents at which they could raise any issues or concerns they had and the LA could pass on relevant information and provide support. Information and visits to alternative local schools would also be provided.

Mrs Lewis referred to the reduction in several Primary Schools' Published Admission Numbers (PANs) resulting from the Primary Review, asking when these reductions would come into effect and whether or not parents would be refused places once the new limits had been reached. Mr Watson replied by saying that several PANs had been adjusted as a result of the Primary Review to attempt to remove surplus capacity from schools, and that the views of parents had been sought and taken into account in this process. He added that should the Primary Review proposals be approved, surplus places would still exist in the Borough to accommodate additional children should numbers increase in future.

The Chairman then asked whether any members of the public had any questions on the LA case.

In response to comments from a member of the public that parents who had tried to enrol their children at Beauty Bank had had their applications refused, Mr Watson said that he was not aware of any such activity and that if true this was regrettable and not a deliberate action on the part of the Directorate of Children's Services. He gave an undertaking to investigate the claim and requested that the member of the public pass on the details to him.

In response to a question concerning consultation of the children in attendance at Beauty Bank during the formulation of the proposals, the Director indicated that he could not specify a date on which the children had been consulted but added that he had received letters from children at the school following the consultation.

A member of the public commented that during the meeting, the LA had claimed that the proposals did not entail amalgamation of Beauty Bank and Greenfield, yet at various points in the consultation process and in Council reports, reference had been made to the consolidation of the schools on a single site. In responding, the Director said that the proposals had changed in light of the consultation responses made by parents. Further to this, Mr Watson referred the Committee to page 15 of the LA response to the written representations on the proposals, stating that this set out the proposals as they now stood.

A Member of the public raised a question concerning the rebuilding of Greenfield, asking whether the plans to rebuild Greenfield would be deemed unnecessary and withdrawn, should the combined pupil numbers of Beauty Bank and Greenfield be sufficiently low in three years' time for the two schools to be accommodated on the current Greenfield site, without the need to publish notices for the enlargement of the school. On a related point, a member of the public asked if, should the numbers of children at Beauty Bank fall to 50 or 60 in the next few years, the school would be incorporated on the Greenfield site in temporary classrooms, rather than new buildings. In responding, Mr Watson explained that the current Greenfield buildings were on two storeys, making disabled access an issue; that the school had no playing fields; and was too small to accommodate the population of Beauty Bank and the existing Greenfield children. Consequently it was the ambition of the LA to provide a more modern, appropriate facility on a new site which could incorporate both schools. In addition to these comments, the Director gave his assurance that Beauty Bank would remain open as an annexe to Greenfield until new, more appropriate accommodation was available.

Several members of the public raised questions concerning the proposed staffing arrangements should the proposals be approved. These centred around the issues of whether redundancies would be forced on Beauty Bank staff and if, should the consolidation of Greenfield and Beauty Bank following the period of annexure mean that staff were surplus to requirements, Beauty Bank staff would automatically lose their jobs. Mr Watson responded by saying that where possible staff would be retained permanently but as a reduction in funding was unavoidable, so was a reduction in staffing. It was hoped that where staffing did need to be streamlined, voluntary redundancies, retirements or redeployments would be arranged. Also, during the transitional period a number of temporary posts would be offered, which would enable further flexibility for the staff currently employed at Beauty Bank. The Director of Children's Services added that the LA had conducted a similar downsizing in the 1980's and no compulsory redundancies had resulted.

A member of the public raised a question concerning the potential for reducing surplus places in the Borough by removing spare capacity in mobile classrooms rather than closing schools, stating that research he had conducted showed that while the LA was looking to reduce surplus places by approximately 1500, the removal of mobile classrooms would remove 1497 such places. In responding, the Director of Children's Services explained that whilst the removal of mobile classrooms was a priority for the LA and was noted as such in the Capital Programme, this kind of accommodation was not usually located in the areas of the Borough where surplus places existed. The reason mobile classrooms had been installed in the Borough was to increase capacity in popular schools which were oversubscribed and, as such, their removal would not address the problems currently faced by the LA.

In attendance as an objector, Lynda Waltho MP raised the issue of funding for the rebuilding of Greenfield, commenting that Greenfield had accepted the proposals in the expectation that a new school would be built and that the LA had not identified funding for this and was currently struggling to obtain funding for similar rebuilding projects. In responding, Mr Watson stated that the LA had submitted successful Targeted Capital Funding (TCF) bids in recent years for new schools at Wrens Nest and Old Park, as well as obtaining funding for extensions at the Ridge, Holly Hall and other schools in the Borough. In relation to the funding for a new school at Greenfield, he reported that details would be finalised and published when a statutory proposal for the rebuilding was made. Various potential sources were available, including TCF from the DfES, as part of the Government's programme of investing an additional £150 million per year in the rebuilding of primary schools, and income from capital receipts.

At the close of questioning by members of the public, the Chairman advised the meeting that following a brief adjournment, 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 Scott, Mr Jones, Ms Hamilton, Mr Whitehouse and Lynda Waltho MP then spoke on behalf of the objectors to the proposal, making the following points: -

- That the staff of Beauty Bank had been misled by the LA into believing that their jobs would be ring fenced when in fact, they were not secure.
- That the proposal did not take account of the level of deprivation in the area and that community cohesion would be damaged by the closure of the school and the discontinuation of the community services provided there.
- That no evidence had been produced by the LA to show that the possibility of developing the Beauty Bank site into a Children's Centre had been properly investigated.
- That no real timescales existed for the building and opening of the new Greenfield school.

- That the LA's portrayal of Beauty Bank as a 'struggling school' was false and that the school had a good financial management record.
 - That the LA reports on the facilities available at Beauty Bank were inaccurate. The school was fully adapted for disabled access and had recently installed improved ventilation, a state of the art PPA room for teachers, interactive whiteboards in every classroom and brand new toilet facilities. In addition, the school had its own kitchens, playing field, pond and soft bark play area.
 - That the consultation process had been intimidating for parents and only focussed on Beauty Bank, rather than the joint situation of Beauty Bank and Greenfield.
 - That the proposals had been altered several times to include the annexure arrangement with Greenfield and that this constituted a new proposal on which parents had not been consulted.
 - That the proposal of the LA that Early Years provision at the Beauty Bank site be discontinued contravened Paragraph 59 of the DfES School Organisation Decision Makers Guidance, which stated that this should not be done unless the case for closure was strong, the proposals were clearly in the best interests of local children and families, and the LA could show that it had properly evaluated all the options.
 - That DfES guidance made provision for schools with a high proportion of SEN children to operate with a higher number of surplus places, in view of the increased demands on staff in working with those children. Beauty Bank did cater for a large number of SEN pupils and this had not been taken into account by the LA in its decision to propose closure of the school.
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- That a major reason for the fall in enrolment at the school was the widespread assumption in the local community that it would now close in a few years time.
 - That the position of the school was likely to improve in the future. Subscription was likely to increase due to the ongoing regeneration of the area and the review of SEN funding in mainstream schools which would mean additional funding for the school.
 - That the stipulation in the proposal that Beauty Bank and Greenfield would be consolidated in 2007 meant that the proposals for the closure of Beauty Bank and the rebuilding of Greenfield were linked and that under the regulations they had to be consulted on and considered together.

A request by Lynda Waltho MP for the Headteacher of Beauty Bank to be allowed to make a presentation was refused by the Committee in view of the fact that the 30 minutes of public speaking had already elapsed and that questions from the public had also been allowed.

At the close of the oral representations by members of the public, the Chairman invited the Committee to ask any additional questions of the LA arising from the representations, prior to the discussion being closed.

In response to a question from Mr Patterson, Mr Maxted, Headteacher at Beauty Bank, confirmed that classes at the school were of between 16 and 20 children in size and that all classes comprised single age groups.

24 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. Consideration was given to a briefing note in this regard, which had been circulated to the Committee before the meeting.

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.

25 DECISION MAKING

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

25 DETERMINATION OF PROPOSALS

The Groups then voted as follows:

Local Authority Group – Approved the proposals on the grounds that closure of the school was justified on the basis of the facts presented by Dudley MBC and that closure was in the best interests of the children in the Borough given the urgent need to reduce surplus places and the ongoing cost implications of keeping the school open.

Schools

Group)

Church of England

Group)

Roman Catholic Church Group)

Rejected the proposals for the reasons below:

- (a) That the proposal in the statutory notice is predicated on the basis that there would be consolidation of the Beauty Bank and Greenfield schools on a new site for Greenfield, with effect from September 2007 but that adequate capital funding for such new premises cannot be demonstrated as yet being in place.

- (b) That because the proposals had been predicated on the basis of a new school build as providing the long term educational provision and facilities required due to the closure of Beauty Bank School, it was not possible for the Schools Organisation Committee to modify the proposal such that it only referred to the Beauty Bank temporary annexe of Greenfield school and still be satisfied that adequate consultation and arrangements for alternative educational provision could be demonstrated to be in place; this would represent a fundamental modification to the nature of the proposal which would warrant the publication of a fresh notice and a renewed consultation process.
- (c) The groups which voted against the proposals also had concerns generally regarding the adequacy of the consultation process undertaken, in view of the relatively late introduction of the proposal to build a new school, and the apparent confusion expressed by a number of parents as to the exact nature of the proposals being presented. Certain members also expressed concern about the extent to which adequate alternative provision for early years education and children with disabilities could be demonstrated unless the proposal was indeed to proceed with a new school build.
- (d) Certain members also commented that the consolidation of Beauty Bank and Greenfield schools by way of either a new build or otherwise permanent enlargement of the Greenfield site would potentially constitute a statutory proposal in its own right, which, given the particular circumstances of the proposal to close Beauty Bank School, should have been regarded as linked by Dudley MBC and published for consultation and consideration at the same time.

It was therefore RESOLVED

That, in accordance with the School Standards and Framework Act, 1998 and the Regulations made thereunder, the proposals of Dudley MBC to discontinue Beauty Bank Primary School be referred to the Schools Adjudicator for determination.

The meeting ended at 11.30pm.

CHAIRMAN