

CABINET	Paper No. 8
Meeting date: 7 April 2009	
From: Corporate Director – Children’s Services	

**SCHOOL ORGANISATION : A STRATEGIC APPROACH –
POTENTIAL IMPLEMENTATION OF STATUTORY PROPOSALS
RELATING TO SECONDARY SCHOOLS IN BARROW**

1.0 EXECUTIVE SUMMARY

- 1.1 *This paper deals with statutory proposals relating to the rationalisation of secondary education in Barrow.***
- 1.2 *The first set of related proposals concerns the potential closure of Alfred Barrow, Parkview and Thorncliffe Schools. The closures would pave the way for the establishment of the planned Academy in Barrow.***
- 1.3 *Further related proposals involve a change in the published admission number and the enlargement of Walney School. These proposals are also related to the proposed school closures referred to above and form part of the potential rationalisation of secondary education in Barrow of which the planned establishment of the Academy is part.***
- 1.4 *The report explains the background to the publication of the proposals and the outcome from the subsequent period for making representations relating to the proposals. It goes on to present the case for the approval of the proposals and provides other information and comment to assist Members in determining whether to decide to implement the proposals.***

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 *The potential changes covered in this report are a major part of the way forward regarding secondary schools in Barrow, agreed in February 2008 that will help to transform secondary education delivery in the town. This will be supportive of the Council Plan’s themes of ‘Improving Council Services’ and ‘Improving the Life Chances and Well-being of Young People’.***

2.2 *Through the range of provision it makes, the Children's Services Directorate seeks to support inclusion, promote equality of opportunity and address inequalities wherever they exist.*

3.0 RECOMMENDATION

Cabinet is invited to approve the proposals to:

3.1 *Close The Alfred Barrow, Parkview and Thorncliffe Schools with effect from 31 August 2009, noting that implementation will be conditional upon the making of an agreement under section 482 (1) of the Education Act 1996 for the establishment of an Academy for Barrow on 1 September 2009 to replace the three schools.*

3.2 *Increase the published admission number of Walney School from 144 to 180 in relation to admissions from 1 September 2010 and to enlarge the school with effect from 1 September 2011, noting that implementation will be conditional upon the making of an agreement under section 482 (1) of the Education Act 1996 for the establishment of an Academy for Barrow on 1 September 2009 to replace The Alfred Barrow, Parkview and Thorncliffe Schools.*

4.0 BACKGROUND

General Background

4.1 In May 2007, the Government abolished School Organisation Committees and introduced new decision-making arrangements relating to statutory proposals for school organisation change. Decisions on whether or not to approve the vast majority of such proposals regarding Cumbria's schools now fall on the County Council to make.

4.2 There is statutory DCSF guidance relating to these arrangements which is aimed at proposers of school organisation change and decision-makers dealing with statutory proposals. The full documents concerned have been previously provided for Cabinet Members, those relevant to the proposals being dealt with here are given again as Appendices A and G.

4.3 The guidance sets out a number of non exhaustive factors to which regard must be had when decisions on school organisation changes are made (see paragraphs 4.15 to 4.62 of Appendix A and paragraphs 4.15 to 4.63 of Appendix G). It is felt that those factors which are relevant to the various situations covered in this paper have been taken into account in compiling the report and in the specific recommendations made to the Cabinet. Nevertheless, Members, as decision-makers, need to satisfy themselves that the relevant factors are considered when they are contemplating the decisions to be taken.

4.4 A decision on a proposal is required to be made within two months of the end of the period for representations which follows its publication otherwise

the proposal has to be sent to a DCSF appointed adjudicator to take the decision. Given that, in making these changes in legislation the Government envisaged that the vast majority of the decisions on formal proposals would continue to be made locally, the Council's call-in procedures seek to ensure that this is what happens here in Cumbria.

General Considerations for Decision-Makers under the New Arrangements

- 4.5 This report concerns formal proposals which, if approved and implemented, would have the effect of closing three secondary schools in Barrow and enlarging one. These proposals are intended to pave the way for the establishment of an Academy in the town.
- 4.6 The DCSF guidance (provided as Appendices A and G) requires decision-makers to consider whether:-
- all necessary information is available to them when taking a decision;
 - the published notices comply with statutory requirements;
 - the statutory consultation was appropriately carried out before the formal proposals were published;
 - the proposals are linked and should therefore be considered together.
- 4.7 In relation to the formal proposals which are the subject of this report, all relevant information is provided in this report and its appendices, the published notices were checked for compliance by the DCSF and the Authority's solicitors prior to their publication and the consultation exercises were undertaken in line with the relevant Government guidance. As indicated in paragraphs 1.2 and 1.3, the proposals under consideration are felt to be related to each other.
- 4.8 The DCSF guidance also indicates that decision-makers should consider the views of those affected by statutory proposals for school organisation change.
- 4.9 The remainder of this section of the report includes sub-sections covering:-
- specific background relating to the proposals
 - the outcome of the initial and a subsequent consultation and the response to the publication of the statutory proposals
 - petition received on 11 March 2009
 - the DCSF Guidance for Decision-Makers – Factors to be Taken into Account
 - the case for the approval of the proposals
 - reasons for decisions

- further information and comment

Specific Background Relating to the Proposals

- 4.10 These proposals are part and parcel of the planned implementation of the way forward for secondary education in Barrow agreed by the Cabinet on 5 February 2008, following the major consultation exercise conducted in late 2007. The details of the agreed way forward are set out in the Cabinet report attached as Appendix B. These can be summarised as follows:
- Pursue the establishment of an Academy for Barrow
 - Close Alfred Barrow, Parkview and Thorncliffe Schools which would make way for an Academy on the Parkview site eventually with 1200 places
 - Create additional pupil places at St Bernard's Catholic and Walney Schools. The proposals relating to Walney School are dealt with in this report. The increase in the number of places at St Bernard's Catholic High School does not require statutory proposals and will be dealt with by the Governors in accordance with the School Admissions Code.
- 4.11 In terms of the siting of the potential Academy included in the plans, this was adjusted at the 6 January 2008 meeting of Cabinet after a further consultation exercise carried out during the Autumn term of 2008. The Cabinet papers concerned, including appendices, are provided as Appendix C.
- 4.12 In line with the agreed way forward, a statutory notice to close the Alfred Barrow, Parkview and Thorncliffe Schools on 31 August 2009 was published on 30 January 2009. A copy of the notice is attached as Appendix D. A copy of the full proposal is also provided as Appendix E.
- 4.13 A further statutory notice relating to Walney School was published on 13 February 2009. A copy of the notice is attached as Appendix H. A copy of the full proposal is also provided as Appendix I.
- 4.14 The proposed closures of the Alfred Barrow, Parkview and Thorncliffe Schools is linked to and dependant on the establishment of an Academy to replace the three schools. In the longer term, the Academy will be housed solely in new (or largely new) buildings on the Parkview and Thorncliffe sites. Initially, though, students will be based in existing buildings on those sites as indicated in the statutory notice. As is also indicated in the notice, a place at the Academy will be available for all current pupils at the schools proposed for closure other, of course, than those in Year 11 who will be leaving in the summer.
- 4.15 The primary aim of the proposals is to enhance educational standards for the future, though they also contribute to the other aims of the way forward for 11-16 provision for the area as a whole, eg removing surplus places.
- 4.16 Funding to create the new accommodation for the Academy will be provided directly by Government, and in addition provision has been made in the

Council's Capital Programme to fund the project support costs for the Academies, which will fall to the Council.

The Outcome of the Initial and Subsequent Consultation and the Responses to the Publication of the Statutory Proposals

The Initial Consultation

- 4.17 The outcome of the consultation exercise undertaken in late 2007 is covered in Appendix B.
- 4.18 Over two-thirds of those responding to the consultation accepted that there was a need for change in the organisation of secondary education in Barrow.
- 4.19 After considering the analysis of the consultation outcome, Cabinet agreed a way forward based on Option 4 in the consultation document which forms part of Appendix B. This was the second most preferred option of the five included in the consultation document. Option 4 was supported by key players from the local education community, the University of Cumbria, the Learning and Skills Council, the local MP, almost all members of the Council's Local Committee for Barrow and the Furness Strategic Partnership. The consultation did, however, reveal concerns on the part of parents and others about the establishment of an Academy in the town which was an integral part of Option 4.

The Second Consultation Exercise

- 4.20 The outcome of the second consultation process about the siting of the potential Academy is set out in Appendix C.
- 4.21 The options were to have a single campus Academy based on the site of Parkview School or a permanent two campus model using both the Parkview and Thorncliffe sites. The two campus model was favoured by almost 3:1 by the respondents to the consultation. The Cabinet on 6 January 2009 took a decision in line with that majority view.
- 4.22 On the basis of the Cabinet decision on 6 January 2009 and the earlier one taken on 5 February 2008, the agreed statutory notices were published as stated earlier on 30 January (the closure proposals) and 13 February (to enlarge Walney School).

Responses to the Statutory Proposals

General

- 4.23 During the period for representations following publication of the statutory notices, a total of six representations were received (copied as Appendices F and J). Three were identical and state that they constitute objections. Another of the responses can be construed as an objection whilst one was a letter of support. Just one of the representations was made in response to the proposals for Walney School. The other five representations relate to the closure proposals.

- 4.24 Three further identical responses intended to be objections to the closure proposals were received and all dated 18 March 2009. As this was outside the period for responses to the proposals, they cannot be deemed representations. However, the main issues raised in these responses are addressed in this report.
- 4.25 One of the objectors has asked that, because of the importance of the matter being considered, the proposals be referred to the Schools Adjudicator for a decision. As is implied in paragraph 4.4, there is no mechanism for such referrals in these circumstances.
- 4.26 The remainder of this sub-section of the report provides comments for Members on the main points raised in the representations.

The Initial Consultation

- 4.27 It is contended in the three identical objections that the 2007 consultation document failed to convey that Option 4 involved the closure of Alfred Barrow, Parkview and Thorncliffe Schools. This contention is not accepted for the following reasons.
- On page 11 of the consultation document the description of Option 4 makes it clear that it would involve:
 - the reduction of the number of schools in Barrow from five to three
 - the replacement of Alfred Barrow, Parkview and Thorncliffe Schools ('replace' is the word used in the relevant DCSF guidance when referring to situations where schools close to pave the way for the establishment of Academies) – this is also covered on page 3
 - the amalgamation of Alfred Barrow, Parkview and Thorncliffe to form a single Academy
 - Reference to the closure of existing schools is made on page 30

- 4.28 It was apparent from the responses to the 2007 consultation, and the discussions at the wide range of consultation meetings which took place, that there was a general and widespread appreciation that Option 4 would involve the closure of Alfred Barrow, Parkview and Thorncliffe Schools.
- 4.29 When the Cabinet considered the outcome of the consultation in February 2008, and as part of the way forward it adopted for secondary education in Barrow, it agreed to support “all of the steps necessary to establish an Academy..... publishing statutory proposals, when appropriate, to secure the closure of Alfred Barrow, Parkview and Thorncliffe Schools”.

The Academy Expression of Interest (Eol)

- 4.30 Following the Cabinet's decision on February 2008 to pursue an Academy for Barrow, an Eol was prepared and submitted to the Secretary of State.
- 4.31 The three identical objections make the point that the Eol “bears little resemblance to the current proposals”.

4.32 It is important when considering the issue to understand the status of such Eols.

4.33 The DCSF guide for Sponsors of Academies provides as follows:

„the Eol document...outlines your proposed vision for the Academy, including information on the Academy’s ethos, specialism, proposed size, age range etc..... If the Eol is approved, funds are released to begin exploring the feasibility of the project....

The purpose of the feasibility phase is to consult widely with key stakeholders to ensure the proposed Academy meets their requirements of raising education standards and driving up wider community aspiration... The Department works with you to prepare the necessary documentation which supports your proposal to allow the Secretary of State to judge whether to enter into a legally binding Funding Agreement to establish an Academy.”

4.34 Objectors appear, therefore, to be drawing on aspects of the process relating to the establishment of an Academy which they consider to be flawed and are seeking to relate these perceived failings to the decision on the proposals set out in this report. However, it is the case that Eols do not have any statutory basis and they constitute only one, early part of the process of establishing an Academy. Once they have Ministerial approval, planning moves on to the Feasibility Stage.

4.35 It should be stressed that the proposals being considered relate to Alfred Barrow, Parkview, Thorncliffe and Walney Schools and not the details concerning the Academy.

4.36 Ultimately the decision on whether to establish an Academy is one for the sponsors and Secretary of State and any decision of Cabinet to approve the proposals set out in this report would be conditional upon the establishment of an Academy. Nevertheless, Members may wish to have background information on Academies when considering the proposals. Attached as Appendices K and L, respectively, are a ‘Model Funding Agreement’ and the document ‘Sponsoring Guide: Establishing an Academy’. A section on Academies was also included in the consultation document produced for the 2007 consultation (see Appendix B). It is felt that it would also be helpful for Members to have the consultation document (Appendix M) ‘An Academy for Barrow’ on which the recent consultation exercise undertaken on behalf of the sponsors was based. The content of this document will help the Cabinet to gain added assurances in relation to some of the factors identified for consideration by decision-makers in the DCSF’s guidance.

The Second Consultation Exercise on a One or Two Campus Academy Model

4.37 The three identical objections claim that this second consultation exercise was flawed because insufficient information was provided for consultees.

4.38 The first comment to make is that the second consultation process which was carried out towards the end of 2008 was not about the principle of

having an Academy in Barrow, as that was the subject of the Cabinet decision in February of that year, as already stated. It was also not about the closure of Alfred Barrow, Parkview and Thorncliffe Schools. It was solely about whether the potential Academy would be on one or two campuses.

- 4.39 The consultation document (see Appendix C) made it clear what was being consulted upon and provided a contextual background. It covered admissions, parental choice and Academy buildings. The document also covered various concerns identified through the initial consultation and how these might be ameliorated through the two options presented. It covered the number of places which would be provided on each campus and made the locational options regarding the sites for the Academy clear.
- 4.40 On pages 8-10 of the consultation document in a section headed “Choosing between the two options”, the local concerns were spelt out and a range of potential advantages and disadvantages of the one/two campus models were identified.
- 4.41 So, in summary, the consultation document identified the number of places which would be provided and where they would be in the two options. It also explained how the options could address identified local concerns and it explained potential advantages and disadvantages of each option. There was a clear outcome in that the two campus model was preferred by around 70% of respondents.
- 4.42 Consultation on potential school organisation change can only go so far in explaining the details of what will occur if and when such change eventually takes place. Many of the detailed decisions are inevitably only taken when those responsible for taking them (eg. heads, principals, governors, sponsors) are in place and the appropriate stage for each decision has been reached. It is felt that the available information was provided during this consultation process and was accompanied by reasonable judgements and comments to assist consultees in reaching a conclusion on the options. It is believed that the consultation document provided sufficient information to enable consultees to reach an informed view regarding their preference and that the process was not flawed as the objectors claim.

Future Provision and the School Admissions Code of Practice

- 4.43 The objections link the closure notices with the making of future educational provision in accordance with the School Admissions Code of Practice.
- 4.44 There are some key points to be made on this issue:
- The School Admissions Code of Practice, as the title suggests, deals with admissions of pupils to schools broadly in terms of ensuring equity and fair access, the setting of fair oversubscription criteria, coordination of the admissions process and the roles of the Schools Adjudicator and the Admissions Forum.
 - The statutory proposals being considered here involve the closure and enlargement of schools. In considering these proposals and deciding whether or not to approve them, Members must have regard to the

guidance provided as Appendices A and G. The Admissions Code of Practice is not intended to be determinative of such statutory processes.

- Nevertheless, the admission arrangements for the schools serving Barrow in the future, including the Academy, must be in line with the Admissions Code of Practice. The School Admissions Code says this about Academy Schools at paragraph 1.15, "Admission arrangements for Academies are approved by the Secretary of State as part of an Academy's Funding Agreement, which requires compliance with admissions legislation and relevant Codes. An Academy is required to consult in the same way as other admission authorities do. Apart from increasing its admission number with local agreement following consultation, an Academy cannot alter its admission arrangements without the approval of the Secretary of State. Any objections to an Academy's admission arrangements will be considered by the Secretary of State".
- It may reasonably be envisaged that the Secretary of State is unlikely to enter into a Funding Agreement with an Academy which has adopted an Admissions Policy contrary to the Code which exists to ensure equity and fair access.

Display of Closure Notices

- 4.45 One of the objectors claimed in his letter that the statutory notices were not put on public display in line with DCSF guidance.
- 4.46 The guidance states that a statutory notice containing specified information must be published in a local newspaper, and also posted at the main entrance to the school (or all the entrances if there is more than one entrance) and at some other conspicuous place in the area served by the school (e.g. the local library, community centre or post office). The notice to discontinue Alfred Barrow, Parkview and Thorncliffe Schools was published on Friday 30 January 2009. It appeared in the Barrow Evening Mail on that date. Copies were also sent to be displayed at the three schools, each branch library in Barrow, Barrow Borough Council offices, the Nan Tait Centre and Newton Parish Council. The Authority has received notification from each of those that the notices have been displayed for the required six week period from 30 January to 13 March 2009. In respect of the notices sent to the schools for display, each one has confirmed that they were displayed at or near all main entrances to the school site and on the outside of the main door of the school building.
- 4.47 The notice in respect of Walney School was published similarly on 13 February 2009 and in line with the regulations this was displayed for four weeks.

Pupils' Journeys to School

- 4.48 The objections to the closure proposals refer to what the objectors see as a significant negative effect of the proposed changes in terms of traffic and pupil journey times.

- 4.49 One of the aims of the way forward for secondary education in Barrow was that each of the three remaining schools would have the opportunity to be a strong, viable and well performing institution. Having schools in the size range 900-1200 meets that objective. The current situation with many more school places than potential students and a very small (and shrinking) school is not offering that opportunity.
- 4.50 It is recognised that reducing the number of schools (and school places) will inevitably mean some pupils having a longer journey to school.
- 4.51 Decision-makers, in considering travel arrangements, have to consider the effect of any proposal to close schools on displaced pupils (section 15 and 16 of the Full Proposal (Appendix E)). The sponsors of the proposed Academy have indicated that only those pupils currently attending Alfred Barrow School will need to move schools ie. be displaced to either the Parkview or Thorncliffe sites. Currently there are 193 pupils in Years 7 to 10 attending Alfred Barrow School who will be displaced. With the exception of those students living on Barrow Island (10), nearly all of the displaced pupils live in the area between Alfred Barrow and the Parkview and Thorncliffe sites. The average distance the potentially displaced pupils currently travel to attend Alfred Barrow School is 0.75 mile. Those students that the sponsors have indicated are likely to move to the Parkview site will have to travel on average 1.2 miles , and those to the Thorncliffe site an average 1.4 miles.
- 4.52 Nearly all of the displaced students live within two miles. Given that the statutory walking distance for the purpose of entitlement to free school transport is three miles, the journeys involved are felt to be within a reasonable walking distance. There should therefore be no, or very limited, need in those circumstances for any increase in car use to transport the displaced pupils to either of the sites of the proposed Academy.
- 4.53 In considering what might happen in the future in respect of home to school transport of pupils, it was indicated (in section 16 of the full proposal), that it is believed that the overall effect of the reorganisation proposals should not involve more car use as nearly all pupils live within 2 miles ie. a reasonable walking distance of a secondary school. The Authority has noted that there will be a change in direction of travel for a number of pupils. In recognition of that, the Authority will be discussing with transport providers the possible changes and asking them to reflect those in their pattern of public transport services. In addition, the Authority will continue to encourage cycling or walking as methods of travelling to school.

The Response from the Furness Education Consortium

- 4.54 The paper considered by Cabinet when determining the way forward for secondary education in Barrow in February 2008 indicated that there was general support from the local education community.
- 4.55 The representation received from the Furness Education Consortium reiterates its support for the proposals to close Alfred Barrow, Parkview and Thorncliffe Schools to pave the way for an Academy for Barrow to be established.

Representation Relating to Walney School

- 4.56 Just one representation was received in response to the proposals for Walney School. This merely asked that the Authority give consideration to certain issues during the planning process relating to the development of the school. This letter is provided as Appendix J and has been passed on to appropriate officers for their attention.

Petition Received on 11 March 2009

- 4.57 The group, Our Schools Are Not For Sale (OSANFS), issued a press release to coincide with the handing over of a petition at the Authority's Nan Tait Centre in Barrow. This was headed "6000 signature petition against Barrow school closures to be presented to Cumbria County Council".
- 4.58 That heading and the timing of the handing over of the petition (ie. 11 March 2009, two days before the end of the six week period for representations to be made to the proposals being considered) seemed to imply strongly that it was a response to, or at least related to, the publication of the statutory closure proposals. As all of the signatures were gathered between 13 November 2007 and 12 February 2008 (ie. 13-16 months or so ago), this is obviously not the case. Neither can it be demonstrated that the petition reflects the current views of those who signed it over a year ago.

The DCSF Guidance for Decision-Makers – Factors to be Taken into Account

General

- 4.59 As previously indicated, the relevant guidance documents are provided as Appendices A and G. Appendix A relates to school closures and Appendix G to the enlargement of schools.
- 4.60 The guidance sets out the factors which should be taken into account by decision-makers when considering statutory proposals to close or expand schools. In outlining those factors, the guidance makes it clear that they should not be considered exhaustive. Moreover, it is recognised that the importance of the factors outlined vary, depending on the type and circumstances of the proposal. It is also stressed that all proposals should be considered on their individual merits. It may be considered that there is potential conflict between some of the factors set out in the guidance, eg. addressing surplus places issues and parental choice and diversity. It is necessary, therefore, to balance the various factors carefully when drawing conclusions.
- 4.61 The remainder of this sub-section of the report, comments on those factors which are felt to be relevant to the Barrow proposals in the context of what is proposed. It is, of course, up to Members to consider the content of the guidance and consider that alongside the information provided in this covering report and its appendices. In a small number of instances, the

relevant factors are dealt with elsewhere in the report because it was more appropriate to do so in the context of its overall structure.

Effect on Standards and School Improvement

- 4.62 This part of the closure guidance includes reference to closing weak schools and replacing them with new ones, expanding the best schools and involving new providers wishing to establish new schools, including Academies. Clearly the way forward for Barrow, agreed in 2008, embraces each of these possibilities.
- 4.63 The guidance indicates that the Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people. This was the prime driver of the consideration of change which led to the adoption of the agreed way forward.
- 4.64 At the time of the initial consultation both Thorncliffe and Alfred Barrow Schools were in Special Measures. Subsequently, with the help of intensive support and extra resources, both schools have been judged to be no longer in need of Special Measures. However, in 2008 these two schools both performed below the national threshold of 30% GCSE passes at 5A*-C (including English and mathematics). As a result, they have been identified by the DCSF as needing additional support through the National Challenge Initiative. Walney School is also being given extra support through this Initiative as its results are close to the national threshold. Parkview is performing at around the average national level in relation to GCSE results, with St Bernard's being the only school in the town which is performing above the national average.
- 4.65 The young people of Barrow, as elsewhere in Cumbria, deserve the best life chances which the educational system can offer them. The introduction of an Academy to replace Alfred Barrow, Parkview and Thorncliffe Schools would, it is felt, offer the prospect of enhancing those opportunities. Academies are designed to address the kind of issues currently facing the town's secondary schools and to make a positive difference. The unique sponsorship arrangements involving further and higher education providers for the potential Academy for Barrow is very likely to benefit students in terms of the input of educational expertise and better links and pathways to education after the 11-16 phase. It is important to stress that the guidance for decision-makers indicates that "if provision for pupils at a school proposed for closure is dependant on the establishment of an Academy,.....there should be a general presumption in favour of approval" (see Appendix A paragraph 4.27).
- 4.66 Decision-makers are asked to consider how proposals will impact on local diversity. Currently there are five secondary schools in Barrow; three community, one foundation and one Catholic voluntary aided school. The agreed way forward would see the replacement of the foundation school and two of the community schools by an Academy. This would leave one community school, the Catholic voluntary aided school and an Academy. Although the number of schools would reduce there would remain three different kinds of school, one of which would be of a type new to the local area.

- 4.67 Regarding equal opportunity issues, the changes are not envisaged to have any detrimental effect. In fact, the intention is to move to a situation of greater equality where all students have access to well performing schools. As indicated in paragraph 2.2, the Children's Services Directorate promotes equality of opportunity, this includes in schools.

Need for Places

- 4.68 The guidance states that decision-makers should be satisfied that there will be sufficient capacity to cater for likely future demand. Current indicators are that the numbers of places planned under the way forward will mean that there will be around 8% or 9% unfilled place in ten years time. The guidance also covers surplus places pointing out they can represent a poor use of resources – resources that could be used more effectively to support schools in raising educational standards. More specifically it states the closure proposals should normally be approved where the school concerned has a quarter or more places unfilled and its standards are low compared to standards across the LA. This situation exists in relation to both Alfred Barrow and Thorncliffe Schools. It is also important to realise that, without school organisation change of the kind planned, there would be likely to be, using the maximum capacity calculation, over a third of secondary school places in Barrow unfilled in 2019.

Impact on the Community and Travel

- 4.69 In assessing the impact on the community, decision makers need to consider whether or not the closure of the schools will impact on families and the community more generally. There are a range of activities that are currently undertaken in the existing schools, mainly at the Parkview and Thorncliffe sites. From 2010 every school will have to offer a range of activities relating to the extended school agenda where there is demand. The Academy sponsors have strongly indicated their wish to maintain and extend appropriately, the range of facilities available for use by the community. It hopes to develop a partnership with parents and the community to strengthen links. The decision to develop the Academy on two sites enables that provision to be provided more locally allowing easier access for users.
- 4.70 With regard to pupils' travel to and from school, this is covered in paragraphs 4.48 to 4.53.

Specific Age Provision Issues

- 4.71 The guidance indicates that decision-makers should consider the opportunities for this age group when considering relevant proposals. The degree and effectiveness of collaboration between 14-19 providers in the Furness area is second to none in Cumbria. It is envisaged that the involvement of post 16 providers in sponsoring the potential Academy for Barrow will help to make things even better in the future in this respect. Furness was of only ten partnerships across the country assessed as being able to offer the new Diplomas for this age range in all of the first five subjects to come on stream in 2008. This evidences the quality of collaboration in the area which all involved are committed to continue.

Special Educational Needs (SEN) Provision

- 4.72 The guidance provided by the DCSF with regard to special education needs (SEN) provision relates primarily to changes in existing specialist provision.
- 4.73 Whilst there is no formal strategic SEN provision at any of the three schools which it is proposed should be discontinued, it is the case that pupils with SEN do currently attend all three schools. The Council believes that these proposals are likely to lead to improvements in the standard and quality of educational provision for these pupils for reasons given in the schools' closure notice and the full proposal (Appendices D and E).
- 4.74 The proposed increase in the size of the school and improved buildings planned for Walney School would mean it could better cater for students with SEN, enabling them to have improved opportunities to progress in their learning and participate in their school and community.

Views of Interested Parties

- 4.75 Decision-makers must take account of the views of those affected by the proposals or who have an interest in them. This includes the content of statutory objections and other comments submitted during the representation period.
- 4.76 The views expressed in relation to the two consultation exercises undertaken by the Council are set out in Appendices B and C. The representations received relating to the statutory proposals are, as indicated earlier, provided in Appendices F and J. A commentary on these representations can be found in paragraphs 4.23 to 4.53.

The Case for the Approval of the Proposals

- 4.77 This report contains a very significant amount of information, comment and argument. Much of it supports the case for approving the statutory proposals, which relate to key elements of the agreed way forward for secondary education in Barrow. Set out below are the main points, evidenced throughout the paper, which support the making of the proposed changes:-
- The initial consultation exercise revealed strong support for change to secondary education provision in Barrow.
 - The educational standards in the secondary schools in Barrow are, in overall terms, poor in relation to both Cumbrian and national averages.
 - The viability of Alfred Barrow School is seriously brought into question by the rapid and significant fall in pupil numbers it has experienced and is experiencing.

- The level of current and the projected future overprovision of school places is wasteful and creates the kind of issues of viability facing the smallest school in the town and referred to above.
- Most of the schools' buildings are outdated and unsuitable in terms of the current curriculum and modern modes of teaching and learning; there are also significant accessibility constraints.
- The agreed way forward for secondary education in Barrow of which the proposals are a major and integral part, is intended to address those issues covered above and others by:
 - Achieving much needed and sustainable improvement to secondary education provision, standards and attainment
 - Dealing with the issue of surplus places
 - Tackling Alfred Barrow's acute problems about viability
 - Providing schools with new and much better facilities, including ICT which is so crucial to modern day learning
 - Ensuring that all the remaining schools are strong, viable and successful
 - Increasing participation in education post-16 and post-18 through close partnerships with the local colleges and the University of Cumbria
 - Contributing to the regeneration of the local community and its infrastructure
- Although there have been a small number of objections to the proposed closure, and the points made in those have been addressed in the report, Furness Education Consortium, which is comprised of the heads and principals of all local schools and colleges, supports the school closure proposals and the establishment of an Academy without delay.
- There are no objections to the proposal to enlarge Walney School.
- The DCSF guidance for decision-makers states that in relation to school closure proposals that:-
 - there should be a general presumption in favour of approval where the future provision for pupils would be in an Academy (Alfred Barrow, Parkview and Thorncliffe)
 - approval should normally be given where there are 25% or more surplus places and standards are low compared to those across the LA (Alfred Barrow and Thorncliffe).

Reasons for Decisions

4.78 Decision-makers are required to identify the reasons for the decisions they take on school organisation proposals.

Further Information and Comment

- 4.79 Planning for the implementation of the agreed way forward for secondary education in Barrow has been occurring since this was determined in February 2008. Such planning is, of course, subject to the outcome of the statutory proposals being dealt with in this report.
- 4.80 With regard to the developments at St Bernard's and Walney Schools, planning with schools the detail of how to extend and remodel their premises in line with school premises regulations is at a fairly advanced stage. Funding for the projects is in the capital plan and planning is on course for the additional capacity to be in place by the time it is needed.
- 4.81 As far as the potential Academy is concerned, following the February 2008 Cabinet decision, the EoI referred to in paragraphs 4.30 To 4.36 was prepared and approved by Ministers. During the feasibility stage, which is now reaching completion, the Principal was appointed, there was consultation with stakeholders and ongoing work has been undertaken to develop the Academy's staffing structure, curriculum, admissions policy and arrangements and so on. This work will be completed before the end of the feasibility stage. The Project Steering Group developing the Academy is very confident that planning will continue to progress so as to ensure the achievement of a successful start for the Academy in September 2009. On the subject of the Academy's accommodation, Partnership for Schools (the Government's agents in the delivery of Academies) has recommended that there should be completely new buildings provided on the two Barrow campuses. The new buildings should be ready for occupation in 2012.

5.0 OPTIONS

5.1 Members can decide to:

- approve the proposals for school organisation change or reject them;
or
- approve the proposals with modifications;
or
- approve the proposals subject to them meeting a specific condition or specific conditions (this option is in line with the recommendations in paragraphs 3.1 and 3.2).

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 When schools close, the budget balance reverts to the Authority. The latest predictions by the three schools proposed for closure indicate a combined deficit of around £400k. At this stage, work is ongoing to determine more accurately the level of the current deficit and an action plan will be put in place to minimise this whilst continuing to safeguard the educational provision at the schools. Any eventual deficit would be funded from the Schools Budget.
- 6.2 There will be some redundancy costs associated with the schools should they close as proposed. The costs are likely to be shared with the DCSF but the Council will be expected to pay up to £200k, the funding for which has been set aside in the 2009/10 budget. If Alfred Barrow School closes there will be limited costs associated with the security of the site for a period of time. These will be met from Property budgets and are estimated at £3k - £5k per month.
- 6.3 There are likely to be some other costs involved in the transition from the three existing schools to the establishment of an Academy assuming this goes ahead. The individual schools have been asked to estimate what these costs may be and provision is being built into the 2009/10 schools budget.
- 6.4 The proposal to enlarge Walney School involves providing additional accommodation. Provision for this is made in the Authority's Capital Plan as is funding to create more pupil places at St Bernard's Catholic High School.

7.0 LEGAL IMPLICATIONS

Property Related

- 7.1 As has been indicated, the closure of Alfred Barrow, Parkview and Thorncliffe Schools would pave the way for the establishment of an Academy which will be based on the Parkview and Thorncliffe sites. If an Academy is established, the Council will need to arrange to lease those sites (or parts of them) to the Academy Trust. It will also be necessary to deal with other issues regarding property including those related to existing lease arrangements of various facilities on the sites to third parties.

Potential Judicial Reviews

- 7.2 Members will recall that an application for permission to seek a Judicial Review in relation to the proposed Barrow Academy was issued against the Secretary of State in December 2008 naming this Authority as an interested party. That application was held in abeyance pending the decision of the High Court in a case brought on the same legal basis in the London Borough of Camden. The Camden claim was recently rejected by the High Court. On this basis, Legal Services have written to the solicitors involved to seek confirmation that the Barrow case will be withdrawn.

7.3 In the meantime, a further letter has been received from those solicitors indicating a possible further application for permission to seek Judicial Review in relation to the Barrow reorganisation. Broadly this alleges that consultations were inadequate, that the Cabinet meeting on 6 January 2006 was inquorate and that the statutory notices in respect of Thorncliffe, Parkview and Alfred Barrow should not have been published. Legal Services have responded in detail refuting the allegations and that is where the matter rests at this time. Copies of the relevant letters from Leigh Day & Co Solicitors dated 16 February and 23 March 2009 and the Authority's Legal Services reply to the earlier dated 27 February 2009 are attached for consideration as Appendix N.

8.0 CONCLUSION

8.1 Given the case for the approval of the proposals outlined in this report, Members will no doubt want to seriously consider supporting the recommendations.

Moira Swann
Corporate Director – Children's Services
26 March 2009

APPENDICES

- Appendix A - Statutory Guidance – Closing a Maintained Mainstream School
- Appendix B - A Strategic Approach : Planning 11-16 Education for the Barrow Area – Cabinet papers and appendices from 5 February 2008 meeting
- Appendix C - School Organisation – A Strategic Approach - Planning 11-16 education for Barrow Area – Cabinet papers and appendices from 6 January 2009 meeting
- Appendix D - The Alfred Barrow, Parkview and Thorncliffe Statutory Notice
- Appendix E - The Alfred Barrow, Parkview and Thorncliffe Full Proposal
- Appendix F - Representations Concerning the Alfred Barrow, Parkview and Thorncliffe Proposal
- Appendix G - Statutory Guidance - Expanding a Maintained Mainstream School
- Appendix H - The Walney School Statutory Notice
- Appendix I - The Walney School Full Proposal
- Appendix J - Representation Concerning the Walney Proposal
- Appendix K - Model Funding Agreement
- Appendix L - Sponsorship Guide: Establishment of an Academy
- Appendix M - 'An Academy for Barrow' consultation brochure
- Appendix N - Possible Judicial Review Letters from Leigh Day & Co Solicitors and Legal Services reply to earlier.

IMPLICATIONS

Electoral Division(s): All Barrow Local Committee

Executive Decision	<input type="checkbox"/> Yes
Key Decision	<input type="checkbox"/> Yes
If a Key Decision, is the proposal published in the current Forward Plan?	<input type="checkbox"/> Yes
Is the decision exempt from call-in on grounds of urgency?	<input type="checkbox"/> No
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="checkbox"/> N/A
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<input type="checkbox"/> Yes

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

Cabinet, 7 September 2005
Cabinet, 28 November 2006
Cabinet, 5 February 2008
Cabinet, 1 September 2008
Cabinet, 6 January 2009

CONSIDERATION BY OVERVIEW AND SCRUTINY

C&YP Scrutiny, 16 December 2008

BACKGROUND PAPERS

Enhancing Lives Through Learning – A Vision for Schools in Cumbria (2006)

RESPONSIBLE CABINET MEMBER

Anne Burns - Cabinet Member for Children's Social Care and Lead Member for Children's Services

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