

# **WIRRAL COUNCIL**

**CABINET - 24<sup>th</sup> JUNE 2010**

## **REPORT OF DIRECTOR OF CHILDREN'S SERVICES**

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### **REVIEW OF PRIMARY SCHOOL PLACES: OPTION APPRAISAL ON SITES FOR A COMMUNITY PRIMARY SCHOOL IN BIRKENHEAD**

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#### **Executive Summary**

This report advises the Cabinet of the outcomes of the appraisal process carried out in relation to potential sites for a primary school in the North Birkenhead small planning area. The report also explains the potential routes for school re-organisation in this area and makes recommendations with regard to statutory proposals.

#### **1.0 Background**

1.1 Following the presentation of the Review of Primary School Places Phase 5 report on 16<sup>th</sup> October 2008, Cabinet instructed that six Area Reviews be carried out within Phase 5 of the Primary Places Review: Prenton, Beechwood, North Birkenhead, Central Birkenhead, South Birkenhead and Noctorum. These areas equate to the small planning areas in the Authority's School Organisation Plan. The outcomes of these area reviews were reported to Cabinet on 28<sup>th</sup> May 2009.

1.2 Following consideration of that report, Cabinet agreed that no options would be brought forward for the Prenton, Beechwood, Central Birkenhead, South Birkenhead and Noctorum small planning areas at this time, although numbers and place provision would be kept under review. A number of options for consultation were proposed in respect of the North Birkenhead area.

1.3 In relation to community school provision, the options were:

- A1 Closure of Cathcart Street Primary School
- A2 Closure of Cole Street Primary School
- A3 Amalgamation of Cathcart Street Primary School and Cole Street Primary School at either an existing or a new site.

In relation to Aided school provision the following option was suggested:

- B Closure of St Laurence's Catholic Primary School

These options were approved for consultation with stakeholders and all statutory consultees. Full consultations subsequently took place.

1.4 The options were within the context set out by the Director of Children's Services, of the need to reduce the growing number of primary school surplus places and took account of Audit Commission guidance on surplus places against a continuing fall in the number of primary age pupils, and issues identified in the Joint Area Review. In addition to removing unnecessary surplus places, the options were intended to make more effective use of resources, take account of patterns of parental preference, reflect the additional challenges of maintaining small schools in an urban area and contribute to the wider standards agenda through the more efficient use of resources.

1.5 The results of the consultation were reported to Cabinet on 1<sup>st</sup> October 2009.

Cabinet approved the publication of statutory notices for the closure of St Laurence's Catholic Primary School. Statutory processes have been followed, and on 14<sup>th</sup> January 2010 Cabinet approved the closure of this school on 31<sup>st</sup> August 2010. No objections were raised by the designated bodies in respect of the closure, and

arrangements are underway to implement the closure on 31<sup>st</sup> August 2010. This includes transfer of the remaining pupils to alternative schools.

- 1.6 Cabinet also agreed that on 1<sup>st</sup> October 2009 that a reduction of one community primary school in the area under review was necessary, but requested a further report on options involving either the retention of the Cathcart Street Primary School site (as recommended), or the establishment of a new build primary school on a new site. The 1<sup>st</sup> October 2009 minute is attached as Appendix A.

## 2.0 **Site appraisal**

On the basis that one fewer community primary school is required in this area, the Director's recommendation was that Cole Street Primary School would close, with Cathcart Street Primary School retained, and all former Cole Street Primary pupils guaranteed a place at Cathcart Street Primary School. Cabinet has asked that an appraisal be carried out of the merits of a primary school being based at either the Cathcart Street site, or a new site between the two existing schools.

### **Existing sites**

- 2.1 The quality of the Cathcart Street site, the security of the location and its green environment were strongly featured in responses to consultation. Respondents believed that Cathcart Street has scope for expansion and redevelopment if chosen as the site for a combined school, possibly incorporating a Children's Centre and other extended services. The proximity of the site to the Wirral Waters development was also raised.
- 2.2 Cole Street respondents to consultation believed that the Cole Street building, while older, was more suitable for retention as a school due to its solid construction and large classrooms. The restrained site was seen as a positive, as the roof top playground was popular with children, secure, and made the school "special". Suggestions to expand the building and site included: utilising a small strip of grass at the front of the school which could be brought inside the school fence; using the schools car park as playground, reproviding the staff car park either in Birkenhead Park or elsewhere in the neighbouring area; building a conservatory on top of the flat roof; or for the Council to purchase buildings to the rear of the existing school in order to expand the playground.
- 2.3 Comparison of the two existing sites indicates that Cathcart Street is the larger of the two sites, at 7,351 m<sup>2</sup>, compared with 2,698 m<sup>2</sup> at Cole Street. The proportion of "green" space at Cathcart Street is 52%, compared with 11% at Cole Street. Both schools already utilise Birkenhead Park for outdoor activities which would be expected to continue, whichever option is implemented. Of the two school sites, Cathcart Street is a more recently constructed building, single storey, with more scope for extension, including the possibility of housing additional services on site and embedding the well respected CATS club in a new build or extension, removing the older temporary mobile currently on the site by the CATS after school club.

### **New site**

- 2.4 In January 2010 there were 99 pupils of statutory school age at Cathcart Street Primary School and 113 pupils at Cole Street Primary School, producing a combined roll of 212 pupils, which is almost exactly a single form of entry primary school. The current combined capacity of the two schools is 420 pupils.
- 2.5 Birkenhead Park lies between the sites of the two existing schools. Opened in 1847, the Park was declared a Grade 1 listed landscape by English Heritage in 1995 and was recently subject to an £11.5 million renovation.
- 2.6 There was little support from either school during consultations for a new school based in Birkenhead Park. Concerns were raised about litter, particularly broken glass

and drug paraphernalia, “stranger danger”, general safety of children travelling to and from school, vandalism, security and potential for increased truancy. In general, few consultees from either school were in favour of an amalgamation into a new build primary school on a new site, rather that an existing site should be used, in particular that an existing building be renewed rather than rebuilt.

- 2.7 Following the announcement in October 2009 that the recommended option for change was the closure of Cole Street Primary School, some interest has since been shown from Cole Street related stakeholders in the possibility of a new primary school building in Birkenhead Park.
- 2.8 Preliminary discussions with Dr Hilary Taylor, who is a national lead expert on Joseph Paxton and the Park, and was also the consultant on the recent renovation, indicated that proposals for a primary school on land on the edge of the Park between the internal carriage drive and Park Road East could be viable, as long as the school did not encroach upon the Grand Entrance, and the playing fields remained in public use as part of the Park. This was reported to Cabinet on 1<sup>st</sup> October 2009. Dr Taylor produced a report setting out her thoughts, which is attached as Appendix B.
- 2.9 In December 2009, officers have met with representatives of English Heritage to discuss the possibility of a primary school in Birkenhead Park. The pre-application advice letter received on 1<sup>st</sup> February 2010 is attached as Appendix C. Their view, while sympathetic to the Council’s school re-organisation issues, is that the limited benefits of such a scheme were significantly outweighed by negative impacts on the Park and its historic environment.

*“...We are not persuaded that it would be feasible to achieve the level of successful integration of built structures and landscape required to realise these benefits. Birkenhead Park is a unique and highly significant historic designed landscape and hence it is imperative that the integrity of its design should be maintained.”*

*“We consider that the proposed scale of development combined with the necessary enclosure by security fencing will potentially have an unacceptably damaging effect on the significance of the historic asset”.*

A new school project on the Birkenhead Park site would be highly unlikely to receive English Heritage approval and planning permission, and therefore it is not recommended to continue with feasibility studies or further consultation with stakeholders on this option.

### **Primary Capital Programme**

- 2.10 The major source of capital funding in the primary school sector at present is the Primary Capital Programme. The Authority has identified a programme for the first two years of the Primary Capital Programme (PCP), the highest priority being projects arising from the Primary Places Review. This was approved by Cabinet on 22<sup>nd</sup> May 2008. The agreed programme includes:
- A new building to house Park Primary School (see 3.8), currently under construction
  - A new building to house Pensby Primary School (see 3.7) – this project in conjunction with a proposed new co-located building to house Stanley Special School
  - A four classroom extension at Our Lady and St Edward’s Catholic Primary School - completed
  - HORSAs kitchen and dining replacements at Overchurch Infant, Stanton Road Primary and Heygarth Primary Schools (condition-related), of which Stanton Road and Heygarth are complete

- 2.11 The legal decision to reduce the number of schools from two to one, regardless of whether this is carried out by a double or single closure (see section 3 below), must be made and implemented, as in the Park/Poulton and Pensby examples given in this report, before future capital funding can be allocated. It is also significantly less complicated and time-consuming from a practical perspective to work in partnership with a single headteacher and governing body, rather than two.
- 2.12 Primary Capital Programme (PCP) funding for the next new build primary school, regardless of location, will not be available until 2011/2012 at the earliest. As a project arising from the Primary Places Review, capital works at Cathcart Street Primary site would be the highest priority for capital expenditure through PCP. There have been no announcements nationally on future PCP funding.
- 2.13 Cabinet is asked to reaffirm the commitment given in May 2008 for the highest PCP prioritisation for capital works arising from the Primary Places Review. Funding may determine the extent of the final project, however in this area of relatively high deprivation, investment in the Cathcart Street site to provide a substantially renewed and remodelled high quality learning environment must be considered a high priority.

### 3.0 **Statutory Process**

- 3.1 There are two legal routes to achieve a reduction by one school.

- A double closure linked to the establishment of a new school
- A single closure

Both routes lead to the same outcome, that is, one fewer maintained institutions, but have different positive and negative impacts and implications.

#### 3.2 **Double closure linked to the establishment of a new school (amalgamation)**

Prior to changes to the regulations, this was the Authority's preferred route where a pair of closely located schools were reduced to a single institution on a single site. Staff from both schools are made technically redundant, and are eligible to apply for posts in the new school. Whilst this is obviously more disruptive, it can be perceived by staff as "fairer". Pupils from both schools are guaranteed a place at the new school on the chosen single site, and those pupils who need to move site can then move with their friendship groups. This was the legal route used in the amalgamation of Vyner Primary School and St Oswald's CE (Controlled) Primary School to form Bidston Village CE (Controlled) Primary School on the former St Oswald's site.

- 3.3 However, since that time, following the implementation of the Education and Inspections Act 2006, all new primary schools are now subject to a "competition" where the Authority invites bids to establish the best provider for the new school. The Authority has not yet operated a competition, however guidance, as well as experience from other authorities shows that reaching a decision under the statutory competition process is likely to take at least 6 months longer than would be the case without a competition.

The Authority can enter its own proposal into the competition, and in many cases, particularly in primary school competitions, is likely to be the only entrant. Other possible proposers could include faith organisations, businesses, universities, colleges or a charitable organisation. A new school would be a Foundation school, not a community school.

- 3.4 The Secretary of State can, however, decide to grant permission for Wirral LA to propose a new community school within a competition under certain circumstances. Wirral has an Ofsted Annual Performance Assessment (APA in 2008) rating of 3, meaning good. Consequently, after the invitation to bid, the Authority would have to apply to the Secretary of State for permission to submit a proposal for a community

school within the competition. Guidance indicates that consent may be given if there are more than the average number of Academies, voluntary or foundation schools, and few or no schools in Special Measures, and if a community school would build on existing diversity.

3.5 The differences between community and Foundation schools are as follows:

- In a community school, the Local Authority owns the land, buildings and all the other assets of the school, employs the staff, and decides the admission criteria for the school. The running of the school is delegated to the governing body.
- In a Foundation school, as well as running the school, the governors own the land and buildings, employ the staff, and decide the admission criteria. The governors have greater freedom to spend money on building projects, and can choose to set their own term dates.

Pupils at Foundation schools follow the same national curriculum as those in community schools, and staff are employed on the same nationally agreed terms and conditions. Funding for Foundation schools comes from the Authority in exactly the same way as for community schools. While the governing body of a Foundation school could decide to have different admission criteria, the school still has to follow the same admissions code as community schools.

Other than the land and buildings, which must be conveyed from the Authority to the Foundation governing body or Trustees, other assets in the school (books, equipment etc.) remain the Authority's property. Excellent relationships continue to be maintained with Wirral's Foundation secondary schools, and whilst there is no reason to believe that this position would differ in the case of a Foundation primary school, the potential impact of a change of status must be considered.

3.6 Some alterations to school provision are exempt from the requirement to hold a competition.

- A new Academy
- New 16 to 19 provision, mainstream or special
- A new Nursery School
- Transferring an existing school to a new site
- Rebuilding an existing school on its current site

3.7 An application could also be made to the Secretary of State for permission to establish a new school without holding a competition. Guidance indicates that permission will be given in the following circumstances:

- Straightforward amalgamations of infant and junior schools where a replacement primary school is proposed.
- Where there is to be a reorganisation of religious schools in the area, and schools with a particular religious character are to be replaced by schools with the same religious character
- Where an independent proposer proposes a new school to increase diversity in the area, rather than in response to an LA's need to reorganise.

In recent years exemptions from competition have been successfully received in relation to the amalgamation of Pensby Infant and Pensby Junior (first criteria), and the establishment of a Joint Church school in Leasowe (third criteria).

3.8 **Single closure**

The benefits of a single closure are legal and organisational simplicity. The staff of one school only are made technically redundant and available for redeployment. Disruption to pupils can be further minimised by guaranteeing all the pupils from the closing school a place at the retained school, which provides the same benefits of an amalgamation in terms of pupils moving with their friendship groups. The retained school may, or may not, occupy its existing site.

In the case of Poulton Primary School and Park Primary School in Wallasey, Poulton Primary School was closed, and Park Primary School was expanded to include a nursery (F1) class. All former Poulton pupils were guaranteed a place at Park Primary School. This could have been where the proposal ended, but in this case Park Primary School also relocated into the former Poulton building whilst a new school is being constructed on the old Park Primary site. On completion of the new school, the Poulton building will be declared surplus to requirements.

In Woodchurch, Arrowe Hill Primary School was closed, with all pupils guaranteed a place at Fender Primary School which was retained as the community school for that area on the existing site, with some minor capital works to slightly increase capacity.

### **SUMMARY AND RECOMMENDATION**

- 3.9 Closure of both Cathcart Street and Cole Street Primary Schools in order to establish a new institution on a single site does not fall into any of the exempt categories in 3.6, and would not meet the guidance criteria for Secretary of State permission not to hold a competition.
- 3.10 Holding a competition will extend the decision making process by at least 6 months, adding to the already increased levels of uncertainty about the future of primary schools in the local area which could have a destabilising effect on primary school rolls, and a case could be made for the need for expediency to resolve community uncertainty, however, it seems unlikely that approval to establish a school without a competition would be granted in this case. Amalgamation, whilst offering an opportunity for the staff in particular, but also the pupils of both schools to start afresh in a “new school”, albeit in existing buildings, may not be the most appropriate solution in this instance.
- 3.11 A new site is not deliverable at this point in time, but it is important to remember that the legal decision to reduce from two schools to one is a necessary precursor for any major capital expenditure whether this is refurbishment, extension or a complete rebuild on an existing or new site.
- 3.12 **Consultation option A2 for the closure of Cole Street Primary School is therefore recommended to proceed as a statutory proposal with effect from August 2011, with a proviso to guarantee all former Cole Street pupils on roll at the time of the school’s closure a place at Cathcart Street Primary School.**
- Former Cole Street parents who did not wish to take up the guaranteed place at Cathcart Street Primary would be offered the opportunity to express a preference for an alternative primary school. Places at these schools would then be allocated based on the admission criteria published in the Authority’s booklets for parents, within the limitations of the Infant Class Size limit.
- 3.13 If approved by Cabinet, the recommended proposal has already undergone consultation, and can proceed directly to statutory proposals, following which there are a further 6 weeks for representations and comments on the proposal. Due to the school summer break, it is recommended to delay publication of the statutory notices until September 2010. The outcome of the representation period would then be reported back to Cabinet in November 2010 for a final decision.
- 4.0 **Implications of the Review Process for Pupils**

## **Admission Arrangements: present and future pupils**

- 4.1 The closure and/or amalgamation of primary schools will have implications for the Authority's admission arrangements. The DFE have advised that there is no requirement to consult separately on any changes to admission arrangements as long as full details are provided to parents in the statutory public notices on the proposed alterations to the school provision. This would include details on how the Authority would propose to manage the transfer of pupils to alternative schools, and also deal with applications from parents living in the areas concerned for places in Foundation 2.

### **Re-zoning of areas**

- 4.2 In the event of any reorganisation, school catchment areas would have to be reviewed. In the case of an amalgamation it might be assumed that the catchment areas of the schools involved could simply be merged but it is likely that we would take the opportunity to consider any other necessary adjustments. In the case of a school closure, zones of neighbouring schools would have to be re-drawn. Changes would need to take into account consideration of home address in relation to nearest appropriate schools, the new capacity of schools in the area, and other factors such as planned housing development.

In relation to the potential transfer of existing pupils to alternative schools, the Authority would invite parents to indicate a preference. If their preference was for a placement in a community or controlled school, then the Authority would seek to meet that preference, within the admission criteria set out in the Authority's booklets for parents.

### **Pupils with Special Educational Needs**

- 4.3 If any pupil has a Statement of Special Educational Needs then the Statement will be amended to reflect the new school, and the provision specified in the Statement will be delivered appropriately. Any pupils who are currently placed in designated special provision such as a Special Needs Class would be transferred to an alternative placement according to parental preference. For all those pupils on the SEN register who are affected, the Authority would deploy an element of any savings to provide enhanced support at their new school. Details of how such a scheme may operate would need to be developed.

## **5.0 Staffing Implications**

### **5.1 Closure of Schools**

If a school closes, staff would technically be redundant. However, the neighbouring schools to which pupils relocate will require additional staff, and these schools would be requested to give prior and preferential treatment to redundant staff.

### **5.2 Redeployment**

In previous years, Wirral has had an excellent record of finding alternative employment for school staff. When posts are advertised in Wirral, schools are requested to give redundant staff who meet the advertised criteria, either a prior and preferential interview or an interview in competition with other candidates.

## **6.0 Financial Implications and Value for Money**

- 6.1 The recommendations contained in this report have capital implications in respect of the re-location of current pupils and the re-allocation of future pupils to schools. The level of capital required will depend upon the final, approved proposals and will require further, detailed development work. An amount of £250,000 is included in the 2010/11 Schools Capital Programme for "scheme development resulting from primary reviews" which is on the same agenda as this report. This will allow schemes to be drawn up,

costed and tendered, with any balance contributing to build costs. The balance of the capital build costs would need to be drawn from the following sources: Primary Capital Programme, Modernisation Grant, council capital including capital receipts from the disposal of surplus assets, Prudential Borrowing and capital forming part of other national initiatives. It is a requirement that funding is clearly identified when proposals are submitted to the decision maker for approval. The capital costs will be dependent on the scale of works carried out which could range from a full rebuild to an extension to house the Children's Centre, Adult Learning and after school club activities.

- 6.2 The recommendations contained in this report include the closure and amalgamation of schools, which in turn will produce revenue savings, to the benefit of other schools as the funding is re-distributed. In the short term the Authority could be required to fund any staff severance costs following closures and amalgamation but they may be partly or entirely offset by savings.

## **7.0 Risk assessment**

- 7.1 Failure to address high levels of surplus places and the issues faced by small schools results in a high risk of wasting resources; consequently less funding would be spent directly on children's education, which could impact on standards.
- 7.2 PCP funding allocations for 2011 onwards have not yet been released. If future levels of PCP funding are reduced, this is a high risk for limiting the scope of future capital projects. This risk could be reduced by combining other funding sources (see 6.1).

## **8.0 Equal Opportunities Implications**

- 8.1 An equality impact assessment will be carried out on this report.

## **9.0 Human Rights Implications**

- 9.1 There are none arising directly from this report.

## **10.0 Local Agenda 21 Statement**

- 10.1 The removal of old, inefficient accommodation contributes to Council principles and targets in respect of Agenda 21.

## **11.0 Community Safety Implications**

- 11.1 Rationalisation and refurbishment of schools allow the most vulnerable accommodation to be removed and other security improvements carried out.

## **12.0 Planning Implications**

- 12.1 The relationship between housing development policy and school place provision is a factor in considering surplus place removal.
- 12.2 Construction of any new classroom provision would be subject to the usual planning permissions.

## **13.0 Anti-Poverty Implications**

- 13.1 The capital investment in refurbished Academy provision is intended to contribute to "narrowing the gap" which is one of the Council's priorities.
- 13.2 The redistribution of funding released by school reorganisation, in combination with the Authority's realignment of the schools budget to give higher levels of funding to schools with high levels of deprivation, as well as improved accommodation, goes towards raising aspirations and narrowing the attainment gap for vulnerable groups.

## **14.0 Social Inclusion Implications**

- 14.1 School re-organisation and transforming accommodation through the Primary Capital programme and other schemes, provides opportunities to promote joint agency work to promote co-ordinated solutions for pupils and their families.



## **15.0 Local Member Support Implications**

- 15.1 Primary place planning and potential surplus place removal have relevance to all Wards.
- 15.2 The current options affect the Birkenhead and Tranmere and Claughton Wards directly.

## **16.0 Background Papers**

Audit Commission Report: Planning School Places in Wirral September 2004.

LA document "Pursuit of Excellence: Primary Education in Wirral".

School pupil number returns, January 2010 (Annual Census return to DFE).

School Net Capacity Calculation, July 2009, to DFE requirements.

Consultation Documents

Other data held in Department including that provided by Wirral Health Authority.

## **17.0 Summary**

- 17.1 No one closes schools lightly. However, there is general agreement amongst all stakeholders that action must be taken to address the issue of surplus capacity. Officers are required to offer clear advice as to appropriate action in order to spend public money wisely and ensure all Wirral's children benefit equitably from the funding available. The recommendations below I believe will ensure best value for the future generations of children in the review areas, and more equitable spending for the benefit of all Wirral's pupils, from the savings made.

## **18.0 Recommendations**

- 1) That statutory proposals be published in respect of the following option:  
Option A2, closure of Cole Street Primary School from August 2011
- 2) That the Director of Children's Services be authorised to take all necessary steps to publish this proposal, ensure the prescribed procedures are followed, including requesting permissions from the Secretary of State and proposals for the re-zoning of schools, in furtherance of the proposal.
- 3) That Cabinet reaffirms the commitment previously given in May 2008 to the high prioritisation of Primary Capital Programme funding for projects arising from the Primary Places Review.
- 4) That should the proposal be approved, a further report be brought to Cabinet at the appropriate time regarding options for the Cathcart Street site.

**Howard Cooper**

**Director of Children's Services**