

WIRRAL COUNCIL

CABINET – 14th JANUARY 2010

REPORT OF DIRECTOR OF CHILDREN'S SERVICES

OUTCOME OF STATUTORY NOTICE CONSULTATION ON THE ESTABLISHMENT OF A CHURCH OF ENGLAND CONTROLLED PRIMARY SCHOOL IN EASTHAM

EXECUTIVE SUMMARY

Following several consultations in the Eastham area between 2006 and 2009, and discussions between the Authority and the Anglican Diocese of Chester, on 28th May 2009, Cabinet approved the publication of statutory proposals in relation to the closure of Millfields Primary School, linked to the establishment of a Church of England Controlled School on the same site, subject to the Diocese receiving permission to waive competition from the Secretary of State. This was granted, and consequently statutory notices were published on 14th October 2009. This report describes the outcome of the subsequent representation period and recommends that the proposals be approved.

1.0 Background

- 1.1 There has been an extensive background leading to the publication of statutory notices in relation to these proposals. Section 1 of the Cabinet report of 28th May 2009 covers this in detail. The report and minute are attached as Appendix A.
- 1.2 The most recent consultation in February and March 2009 elicited 7 responses and a petition, while a consultation meeting was attended by 35 persons, including two ward councillors, 9 parents, 17 staff members and 7 governors (some also parents or staff). Section 3 and Section 4 of the Cabinet report of 28th May 2009 discuss the outcome of this consultation.
- 1.3 Following Cabinet's recommendations from this report, in early June 2009 the Anglican Diocese of Chester made an application under s10 of the Education and Inspections Act 2006 (EIA 2006) to the Secretary of State for approval of exemption from the requirement to hold statutory competition. The application form (without appendices) is attached as Appendix B. On 26th August 2009, the Diocese received notification that the exemption request had been approved. This is attached as Appendix C.

2.0 Proposal publication

- 2.1 On 14th October 2009, prescribed alteration notices for the closure of Millfields Primary School and the establishment of a Church of England Controlled school on the same site were widely published, including the local press (Wirral Globe), entrances to Millfields Primary School, as well as at Eastham Children's Centre and Eastham Post Office. The notices were also published on-line at the Council's consultation website - www.wirral-abc.gov.uk/PrimaryPlaces/Millfields.asp.
- 2.2 Under the EIA 2006, in addition to the statutory proposal notice, a more detailed "complete proposal" must be produced. Copies of the notice and complete proposal were provided to the school, the Secretary of State, the Anglican and Catholic Diocesan bodies and all relevant persons and groups named in the guidance. The documentation was also made available on the Council's website (see above). The notice and complete proposal are attached as Appendix D. The full proposal and all supporting information have been provided to member on CD-ROM.
- 2.3 Following the publication of notices, there is a statutory six week representation period

during which objections or comments on any proposal can be sent to the Director of Children's Services. This was clearly stated on the notices. Any person can request a copy of the full proposal, however no requests were received.

3.0 Outcome of the representation period

- 3.1 The statutory representation period ended on 25th November 2009. During this time, the Director of Children's Services received no written comments in relation to the proposals.
- 3.2 Under paragraphs 8 and 10 of Schedule 2 to the Education and Inspections Act 2006 (EIA 2006), the decision on these proposals rests with the Council's decision making body, which is Council's Cabinet.

4.0 Decision makers guidance

- 4.1 Statutory guidance for decision makers on the closure of a school is attached as Appendix D to the report regarding St Laurence's Catholic Primary School on the same agenda. Statutory guidance on the establishment of a new school (Appendix E) is attached to this report.
- 4.2 Statutory guidance indicates that decision makers should consider the various factors relevant to these proposals. General factors that apply to both proposals are as follows:
 - Has the statutory process been carried out properly?
 - Will proposals for change contribute to raising local standards of provision and improved attainment?
 - Will the proposal contribute to local diversity?
 - Will the proposal help every child to achieve their potential in accordance with Every Child Matters principles?
 - Are any equality or discrimination issues that arise from the changes being proposed?
 - Is there any impact on community cohesion?
 - Have travel arrangements been taken into account?
 - What is the impact on early years provision?
 - Have interested parties views been taken into account?

Statutory Process

- 4.3 The published notice is valid, complies with the statutory requirements and adequate statutory consultation has been carried out prior to publication of the notice. The proposals are correctly identified as "related" and should be considered together accordingly.

Raising standards and attainment

- 4.4 Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.
- 4.5 The former school already has a strong ethos of caring, links to the community and a commitment to the Every Child Matters agenda. A Sure Start Children's Centre is established at the site. As a Church of England Controlled school it will seek to continue to serve all the children in its community, with enhanced links to the local Churches

which will develop the existing strong value systems and clearly defined ethos, impacting positively on all areas of the curriculum and on pastoral care. The school will benefit from the additional support available from Diocesan education officers and the network of Church of England schools within this authority and the nine other authorities within the Diocese of Chester.

Diversity

- 4.6 This proposal was made in order to reinstate diversity of parental preference following the August 2007 closure of nearby St Mary's CE (Voluntary Controlled) Primary School which was in Special Measures.

Every Child Matters

- 4.7 The Every Child Matters outcomes are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. Guidance indicates this could include how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, for example looked after children or children with special educational needs (SEN) and disabilities.
- 4.8 Paragraph 4.5 above indicates that Church of England status is intended to benefit children and their community, including maintaining the Children's Centre and its extended services on site. Children's Centres form part of the Government's agenda to improve access to health, education and social care for families thereby improving the life chances of young children.

Equality

- 4.9 The admissions policy of the Voluntary Controlled school will be the Authority's admission policy. No priority will be given for children of the school's religious denomination, and children's religion, religious denomination, or no religion or religious denomination, will not be used to give priority for admissions.

Community cohesion

- 4.10 The proposals maintain a primary school on the Millfields site which will continue to serve the same catchment area as the community school it replaces.

Travel arrangements

- 4.11 The proposal is linked to the establishment of a Church of England Voluntary Controlled school on the same site, at which existing pupils are guaranteed a place. There will be no impact on travel or increase in car usage as pupils can be expected to continue to use whichever method they currently use to travel to school.
- 4.12 Applications for free transport to alternative primary schools will be considered under the guidance in the Authority's information booklet for parents.

Early years provision

- 4.13 There will be no reduction in early years provision, since the new school will retain the LA maintained Foundation 1 (nursery) class currently part of Millfields Primary School, as well as the existing Sure Start Children's Centre.

Views

- 4.14 No comments or objections were received during the representation period. Comments received during consultation were taken into account in the Cabinet report of 28th May 2009.
- 4.15 Factors relating solely to the closure proposal are as follows:
- Is there sufficient capacity to accommodate displaced pupils in the area?

Capacity for displaced pupils

- 4.16 The closure of Millfields Primary School is linked to the immediate establishment of a new Church of England primary school at the same site, at which all existing pupils are entitled to a place.
- 4.17 Parents who wish to transfer their children to an alternative local primary school can apply at any time through the usual admissions procedures, where places would be allocated under the Admissions Code and subject to the limitations of the Key Stage 1 class size limit. In January 2009, there were approximately 292 empty places at alternative primary schools within a 2 mile radius (187 Wirral, 105 Cheshire), compared with 158 pupils on roll at Millfields.
- 4.18 Factors relating to the new school proposal are as follows:
- Is the new school's admission policy compliant with legal and mandatory provisions, e.g. the School admissions code?
 - Will the new school follow the National Curriculum?
 - Is there demand for a new school with a religious character?
 - Is the capital required to implement the proposal available?
 - Does the school have sufficient playing fields?

Admissions policy

- 4.19 The new school's admission policy is that of the Local Authority, which complies fully with all legal and mandatory requirements.

National Curriculum

- 4.20 The new school's curriculum will meet the general requirements in relation to the curriculum contained in section 78 of the Education Act 2002.

Demand for a faith school

- 4.21 Until 2007, the Eastham area was served by two faith schools – Christ the King Catholic Primary School, and St Mary's Church of England Primary School. Following the latter's placement in Special Measures by Ofsted, extensive consultation on the school's closure was followed by an Adjudicator decision to close St Mary's CE Primary School.
- 4.22 In the 2007 Census, St Mary's CE Primary School was attended by 97 pupils. St Mary's CE shared the same catchment area as Heygarth Primary School, and was attended by 15% of the available primary age pupils in that catchment area.
- 4.23 No strong objection to Millfields Primary School becoming a Church of England Voluntary Controlled school was made during consultation or the representation period. This proposal was made in order to reinstate diversity of parental preference in the Eastham area.

Availability of Capital

- 4.24 The 2009/10 Schools Capital programme approved by Cabinet on 28th May 2009 includes £250,000 for primary surplus place removal. Capital expenditure required to implement this particular proposal is expected to be minimal – for example, changes to signage.

Playing fields

- 4.25 Under Schedule 2 of The Education (School Premises) Regulations 1999, any school with pupils aged 8 and over must have a minimum area of grassed "team game" playing

fields. As a primary school with fewer than 100 pupils aged 8 and over, the new school should have a minimum of 2,500 m² of team game playing fields.

4.26 The Millfields site has a total area of 16,300 m², of which approximately 11,000 m² are grassed playing field areas suitable for team games, and consequently the site more than meets the minimum requirement.

5.0 Decisions and Right of appeal

5.1 As the Council's decision maker, Cabinet can decide to approve the proposals, approve the proposals with a modification, or meeting a specific condition, or to reject the proposals.

5.2 Taking all the factors involved into account, it is recommended that Cabinet approve the proposals for the closure of Millfields Primary School and the establishment of a Church of England Voluntary Controlled school at the Millfields site.

5.3 Right of appeal on Cabinet's decision on these linked proposals is limited to the Anglican Diocese of Chester, and the Catholic Diocese of Shrewsbury. Either of these two bodies could submit an appeal within 4 weeks of the decision. The proposals would then pass to the School's Adjudicator within 1 week for a final decision, which is likely to take at least 6 weeks and could include further public consultation.

6.0 Financial Implications

6.1 There are minor capital implications to the proposals if approved, for example in terms of changes to signage, which can be met from the schools own Devolved Formula Capital or from the Primary Places Review element of the capital budget.

6.2 As a Voluntary Controlled school, the local authority is responsible for future capital costs at the new school, just as with the former community school.

7.0 Staffing Implications

7.1 When a school closes, all staff at the school are made redundant. However, under the circumstances in relation to these proposals, all teaching and non-teaching posts can be ring-fenced to the existing group of staff. With the approval of the shadow governing body, this can be extended to the headteacher and assistant headteachers under 13(7) and 22(7) of the staffing regulations.

8.0 Equal Opportunities Implications

8.1 It is essential to plan school provision across the Authority so that it is both efficient and effective in the interests of all pupils.

8.2 Establishment of a Church of England Controlled school at Millfields reinstates parental preference for this kind of primary education in the Eastham area and widens diversity of choice.

8.3 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 There are none arising directly from this report.

11.0 Community Safety Implications

11.1 There are none arising directly from this report.

12.0 Planning Implications

12.1 The Millfields site is in Council ownership. If the proposals are approved, it is intended that the Diocese of Chester will hold a leasehold interest in the site, with a lease period of at least 50 years.

13.0 Anti-Poverty Implications

13.1 There are none arising directly from this report.

14.0 Social Inclusion Implications

14.1 The Children's Centre based at the Millfields Primary site would continue to operate, providing opportunities to promote joint agency work to promote co-ordinated solutions for pupils and their families.

14.2 As a Controlled rather than an Aided school, the school would maintain its existing catchment zone and would continue to serve children and families in the local community. Admissions to Church of England Controlled primary schools are made by the Local Authority. Unlike Aided schools, Controlled schools do not operate any kind of selection on background, faith or church attendance.

15.0 Local Member Support Implications

15.1 Millfields Primary School and the Eastham ward.

16.0 Background Papers

16.1 Previous Cabinet reports

Statutory guidance on School re-organisation issued by the DCSF.

Recommendations

1) That Cabinet approve

- The closure of Millfields Primary School from 31st August 2010
- The establishment of a new Church of England Voluntary Controlled school at the Millfields site from 1st September 2010

and that the Director of Children's Services be authorised to take all necessary steps to ensure the prescribed procedures are followed in furtherance of the proposals.

Howard Cooper

Director of Children's Services