

WIRRAL COUNCIL

CABINET – 27th MAY 2010

REPORT OF DIRECTOR OF CHILDREN'S SERVICES

OUTCOME OF PROPOSAL FOR THE CLOSURE OF OUR LADY OF LOURDES CATHOLIC AIDED PRIMARY SCHOOL AND THE ESTABLISHMENT OF A JOINT CHURCH AIDED PRIMARY SCHOOL

EXECUTIVE SUMMARY

At its meeting of 19th March 2009, Cabinet decided that following consultation with governing bodies, staff, parents and other stakeholders, statutory notices should be published regarding the closure of Our Lady of Lourdes Catholic Primary School, linked to the establishment of a joint Church Aided school on the same site, subject to the approval of the Secretary of State to waive a statutory competition. Notices were published on 24th February 2010. This report describes the outcome of the subsequent representation period and recommends that the proposals be approved and implemented.

1.0 Background

- 1.1 The outcome of the consultation was described in the 19th March 2009 report to Cabinet. The minute is attached as Appendix A.
- 1.2 Cabinet determined that approval should be given for the two Diocesan bodies to submit an application to the Secretary of State in order to seek a waiver of the requirement to hold a competition to open a new school, and that should this be received, statutory notices should be published in relation to these proposals.
- 1.3 The waiver request was submitted to the Secretary of State on 7th April 2009. Approval to waive competition was received on 17th July 2009. This did not allow sufficient time to open the new school by September 2009, and consequently the proposals were published on 24th February 2010 with the closure date of August 2010, to allow the new school to open at the next natural break in the Academic year in September 2010.
- 1.4 This report advises Cabinet of the outcome of the representation period following notice publication and makes a recommendation that the proposals be approved.

2.0 Proposal publication

- 2.1 On 24th February 2010, proposal notices were widely published, including the local press (Wirral Globe) and entrances to the school. In addition, the notices were posted at Leasowe Early Years Centre, St Chad's Church, Castleway North and at Leasowe Off License on Twickenham Drive, Leasowe. The notices were also published on-line at the Council's consultation website, www.wirral-abc.gov.uk/PrimaryPlaces/Leasowe.asp
- 2.2 Under the Education and Inspections Act 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 Primary Places Review website. The notice and complete proposal are attached as Appendix B. The full proposal and all supporting information have been provided to members 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 7th April 2010. During this time, the Director of Children's Services received no comments in relation to the proposal.
- 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 Comments on the proposal

Statutory guidance for decision makers on the closure of a school is attached as Appendix C, with that on the establishment of a new school as Appendix D.

- 4.1 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

- 4.2 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

- 4.3 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.
- 4.4 The former Catholic Aided primary school already has a strong Christian ethos, links to the community and a commitment to the Every Child Matters agenda. As a joint church Aided 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.

Diversity

- 4.5 If approved, parents of children living in Leasowe, New Brighton, Liscard, Seacombe, Wallasey and Poulton who currently have little or no choice of attending a Church of England primary school would have an opportunity to express a preference for the joint church school. Leasowe parents will retain the option of community or denominational education in line with Government policy on diversity.

Every Child Matters

- 4.6 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.
- 4.7 Paragraph 4.4 above indicates that the Joint church ethos is intended to benefit children and their community.

Equality

- 4.8 The admissions policy and over subscription criteria for the Joint Church Aided school will be published in the Wirral Council booklet for parents. After the legal commitment to children in public care, priority will be given to baptised members of the Roman Catholic Church and the Church of England on a 60:40 ratio from within the designated Roman Catholic parishes of Our Lady of Lourdes and English Martyrs, and the Anglican parishes covering Leasowe, Liscard, New Brighton, Poulton, Seacombe and Wallasey.

Community cohesion

- 4.9 The proposals maintain a primary school on the Our Lady of Lourdes site which will continue to serve the same Catholic parishes as the predecessor school (Our Lady of Lourdes, Leasowe and English Martyrs, Wallasey), with the addition of the equivalent and wider Anglican parishes of St Chad's (Leasowe), St Nicholas and St Hilary (Wallasey), St James and All Saints (New Brighton), The Resurrection (Liscard), St Luke (Poulton) and St Paul (Seacombe).

Travel arrangements

- 4.10 The proposal is linked to the establishment of a Joint Church Aided school on the same site, at which existing pupils are guaranteed a place, with no additional transport distance or costs. New pupils from the wider Wallasey area may in future opt to attend the Joint Church Aided school, which may result in longer journeys to school than would otherwise have been the case for those pupils.
- 4.11 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

- 4.12 There will be no reduction in early years provision, since the new school will retain the LA maintained Foundation 1 (nursery) class.

Views

- 4.13 No comments or objections were received during the representation period. Comments received during consultation were taken into account in the Cabinet report of 19th March 2009.
- 4.14 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

- 4.15 The closure of Our Lady of Lourdes Catholic Aided Primary School is linked to the immediate establishment of a new Joint Church Aided primary school at the same site, at which all existing pupils are entitled to a place.
- 4.16 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 2010, there were 120 pupils of statutory school age on roll at Our Lady of Lourdes, and approximately 836 empty places at alternative primary schools within a 2 mile radius.
- 4.17 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

- 4.18 The new school's admission policy will comply fully with all legal and mandatory requirements.

National Curriculum

- 4.19 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

- 4.20 The nearest available Church of England school for the Leasowe area is Christ Church CE (Aided) Primary School in Moreton. This school is popular with parents and regularly oversubscribed on entry to F2.
- 4.21 This proposal was made in order to enhance diversity of parental preference in the Leasowe and wider Wallasey area.

Availability of Capital

- 4.22 Ahead of the proposal being approved, Our Lady of Lourdes Catholic Primary School has already benefited from capital investment from the government funded Local Authority Co-ordinated Voluntary Aided Programme of £214,000 in order to create additional space for Multi-Faith activities using part of the adjacent church. Further capital expenditure required to implement this particular proposal is expected to be minimal – for example, changes to signage.

Playing fields

- 4.23 Under Schedule 2 of The Education (School Premises) Regulations 1999, any school with pupils aged 8 and over should 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.
- 4.24 The Our Lady of Lourdes site has a total area of 6,007 m², of which approximately 2,661 m² are grassed playing field areas suitable for team games, and consequently the site 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 Our Lady of Lourdes Catholic Primary School and the establishment of a Joint Church Aided school at the 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. The proposal has the full support of the two Diocesan bodies.
- 5.4 Should Cabinet be unable to reach a decision on these proposals, the final decision would also pass to the national School's Adjudicator, with a similar timescale to that indicated in 5.3.

6.0 Financial Implications and Value for Money

- 6.1 In the interim period prior to Cabinet's decision, Our Lady of Lourdes Catholic Primary School has been allocated a 5/12ths budget for 2010/2011. The remaining 7/12ths budget would then be allocated to the Joint Church 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 headteacher(s) 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 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 provision of efficient and effective education is a vital part of serving local communities; inefficient use of resources is wasteful both in educational and physical resource terms.

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 site would be subject to the usual planning permissions.

13.0 Anti-Poverty Implications

13.1 The redistribution of funding released by school reorganisation, in combination with the Authority's intention to realign 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 The school is located in the Leasowe and Moreton East ward.

16.0 Background Papers

16.1 Previous Cabinet reports

Responses to Consultation.

Recommendations

1) That Cabinet approve

- The closure of Our Lady of Lourdes Catholic Aided Primary School from 31st August 2010
- The establishment of a new Joint Church Voluntary Aided school at the Our Lady of Lourdes 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