

Meeting: Executive

Date: 4 February 2014

Subject: **Determination of the content of the consultation regarding the future of Brewers Hill Community Middle School, Streetfield Community Middle School and Ashton Cof E VA Middle School, following an analysis of the future viability of these Dunstable schools**

Report of: Cllr Mark Versallion, Executive Member for Children's Services

Summary: The report proposes to initiate consultations on the phased closure of the Community Schools of Brewers Hill Middle School and Streetfield Middle School and the Church of England Voluntary Aided School of Ashton Middle School from September 2015, with full closure from August 2016. This is as a consequence of the changing pattern of provision in the area, which has an impact on the future viability of all 3 schools.

Advising Officer: Edwina Grant, Deputy Chief Executive, Director of Children's Services

Contact Officer: Helen Redding, Assistant Director School Improvement

Public/Exempt: Public

Wards Affected: Dunstable Central, Dunstable Icknield, Dunstable Manshead, Dunstable Northfields, Dunstable Watling, Caddington.

Function of: Executive

Key Decision Yes

Reason for urgency This report seeks commencement of the statutory process required in education law that is required to be followed for proposals of this nature. Timeframes for the process are prescribed by regulations that were amended in December 2013, coming into effect in late January 2014. To comply with the statutory timeframe, to commence consultation on the 24 February 2014 and to ensure compliance with statutory guidance this report cannot be deferred to the March meeting of the Council's Executive, as originally intended. The outcome of the initial phase of consultation will be reported to the Council's Executive on 27 May 2014.

CORPORATE IMPLICATIONS

Council Priorities:

The report supports Central Bedfordshire's Medium Term Plan: Delivering your priorities – Our Plan for Central Bedfordshire 2012- 2016 and the specific priority of Improved Educational Attainment.

Financial:

1. Schools budgets are funded through Dedicated Schools Grant (DSG). There are financial implications for the schools identified within this report with regard to their budgets for 2014/2015 and beyond. Detail is provided in paragraph 61. Budgetary provisions for redundancy payments as a consequence of a school closure are the responsibility of the Council. Should a maintained school close with a deficit budget, the deficit falls to the de-delegated school DSG contingency budget. If there is not sufficient budget within the de-delegated DSG school contingency, a deficit on central expenditure can be applied to the next year to be funded by the schools budget. The School Forum makes this decision, and the Department for Education (DFE) adjudicates where School Forum does not agree.
2. Streetfield Middle School and Brewers Hill Middle School are both Community Schools with land and buildings owned by the Council. This report does not include consideration of potential future use or disposal of either site but focusses on the viability of the current Schools that are accommodated in each location. If the recommendations in this report result in the closure of these schools, subsequent reports will be made to the Council's Executive on options for the land and buildings.
3. The land occupied by Ashton Middle School is owned by the Ashton Foundation and the school is a St Albans Diocese School. Should a decision be taken to consult on closure of the school, the Ashton Foundation would need to consider future use of the land.

Legal:

4. Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient and suitable school places to provide for 5 – 16 year old statutory aged children in its area. The Education and Inspections Act 2006 gives Councils a strategic role as commissioners, but not providers, of school places to promote parental choice, diversity, high standards, the fulfilment of every child's educational potential and fair access to educational opportunity.
5. To help meet these duties and restructure local provision Council's also have the power to close all categories of maintained schools. Reasons for closing a maintained mainstream school may include:
 - Where it is being replaced by a new school;
 - Where it is to be amalgamated/merged with another school; or
 - Where it is surplus to requirements (e.g. as a result of area wide school reorganisation and/or where there are sufficient places in neighbouring schools to accommodate displaced pupils).

6. The main legislation governing the discontinuance of Council maintained schools is currently found in the Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments) (England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment)(England) Regulations 2009 which came into force on 1 September 2009).
7. As a result of DfE proposals these regulations are due to be revoked as The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 will come into force on 28 January 2014. The Department for Education (DfE) is also due to publish revised statutory guidance to provide additional information on the procedures established by the new regulations to outline the detailed requirements and process for proposals to close Council maintained schools that include full public consultation, the publication of statutory proposals and the decision making process.
8. The revised statutory process to close a Council maintained school continues to have 5 stages:
 1. Full public consultation - Minimum of 6 weeks recommended in DfE guidance.
 2. Publication of Statutory notice – following consideration of outcome of initial consultation.
 3. Representation period – Final period of 4 weeks to enable people and organisations to express their views about the proposals and ensure that they will be taken into account by the Decision Maker.
 4. Decision – Council Executive determination of the proposal, within 2 months of the end of the representation period
 5. Implementation – Putting into effect of the proposed closure
9. The Council is able to propose the discontinuance of the maintained schools as set out in this report and is also decision maker for these proposals.
10. The current Department for Education guidance for decision makers contains a number of key factors to be considered when they make a final decision on proposals of this nature. The guidance is clear that these factors should not be taken to be exhaustive and all proposals should be considered on their individual merits. It is expected that the revised statutory guidance will contain similar factors that the decision maker must consider in the final determination of closure proposals.
11. The key factors outlined in current statutory guidance include:
 - The effect on standards and school improvement;
 - The need for places;
 - Impact on the Community and Travel;
 - School Characteristics including equal opportunity issues;
 - Special Educational Needs Provision;
 - Views of interested parties.

12. The final report to Executive in August 2014 will reflect upon each of the factors required within the new statutory guidance, when published, and any others that arise throughout the initial consultation phase.
13. The local Church of England Diocese of St Albans, the Bishop of the local Roman Catholic Diocese of Northampton and the governing body and trustees (if relevant) of each school have a right of appeal to the schools adjudicator if they disagree with the Council's final decision.
14. The new Regulations have arisen as a result of a DfE consultation launched on the 12 September 2013 on a range of proposed changes to the existing legislative and policy requirements for making changes to schools and academies, including school closure. The aim of the proposals was for schools and academies to be more in control of their own decisions about size and composition and to remove or reduce restrictions of the current legislative processes.
15. One of a number of key proposals set out within the consultation by the DfE is that Council maintained schools would be given the freedom to propose and determine their own changes including expansion and age ranges without following a statutory process, as long as they had secured any necessary funding. The Council would not be decision maker for proposals of this nature.
16. Likewise the consultation proposed amendments to the current requirements for Council led proposals to close schools that would reduce the statutory timeframe of the representation period from 6 to 4 weeks. It also proposed to remove prescription from the statutory process.
17. On 18 December 2013 the DfE published its response to the consultation and stated its intention to proceed with the policy direction set out in the consultation document, with some changes to details in the draft regulations in light of the responses it had received to the consultation. On the same day the revised regulations were laid before Parliament and will now come into force on 28 January 2014. Revised statutory guidance will provide further detail and is expected to be published imminently.
18. Officers will amend this report if the new statutory guidance is published before publication.

Risk Management:

19. The proposals to close the 3 maintained schools as set out in this report supports the need to manage the supply of school places in the Dunstable area by reducing the significant surplus in places in Years 5 to 8, and addressing the impact that reducing rolls will have on the financial viability of these 3 schools and the education of children accommodated within them.

20. Key risks associated with inaction include:

- Failure to discharge the Council's legal and statutory duties/guidance.
- Failure to deliver the Council's strategic priorities.
- Reputational risks associated with the ineffective management of school places.
- Inefficient use of dedicated schools grant and corresponding reduction in funding for all other schools and Academies in Central Bedfordshire.
- Financial and educational unviability as pupil numbers fall further.
- Unplanned and un-coordinated loss of teaching and support staff.

21. If these proposals are approved once due process has been followed, each will be project managed to delivery which will include risk assessment and management processes overseen by a Project Team of the Council and School staff. External support for each school will be commissioned as appropriate by the Council utilising its school improvement budget.

Staffing (including Trades Unions):

22. Staff and Trade Unions/Professional Associations are consulted on proposals to close Council maintained schools as part of the informal and statutory process required by regulations and DfE guidance.

23. Irrespective of the proposal set out in this report, all 3 schools will need to seek advice from their Human Resources (HR) Provider regarding any restructuring of staffing as a consequence of the reducing numbers of pupils at the schools from September 2014. If staffing numbers do need to be reduced for September 2014 these schools will need to consult with staff and Trade Unions/Professional Associations early in 2014 in order to meet the timescales for implementation.

24. The Council's Schools Statutory HR Team will monitor all restructures to ensure redundancy charges to the Council are minimised and justified and the Team will be represented in the Project Team created to deliver each school's closure.

25. Opportunities would be sought to ensure that good staff are retained in the area where possible and staff wish it. Schools will be supported to consider incentives for retention of key staff throughout a phased closure process. If agreed and affordable, this process would need to be in accordance with conditions of service, be transparent and be discussed and agreed with Trade Unions/Professional Associations. Employment in other schools in the area that will have opportunities due to their changing age ranges can also be encouraged, although the Council do not have any powers to redeploy staff to other schools. The Governing Body of each school is responsible for the appointment of staff.

Equalities/Human Rights:

26. The consultation and decision making process set out in regulation for proposals to close Council maintained schools requires an evaluation of any equalities and human rights issues that might arise.

27. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
28. This statutory duty includes requirements to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
29. Where it is identified that the proposals impact on provision for children with special educational needs and disabilities or on provision of extended school services, these will be outlined in the proposal documents attached to the final report.

Public Health:

30. The range of Extended Services provided by schools may include:

- Parenting and family support officers
- Transition support for pupils, schools and families
- Combined clubs and after school activities
- Holiday activities
- Support for vulnerable pupils and families

These services can have an important impact on public health and be of benefit to the communities in which the schools are based although they will become increasingly unviable as any hosting school suffers a significant fall in pupil numbers. The consultation process will include an evaluation of the impact of closure on any extended service currently being provided from these school sites and further reports to the Council's Executive will propose how these can be sustained or re-provided through alternative local services.

Community Safety:

31. Whilst it is acknowledged that schools have an important role under Section 17 of the Crime and Disorder Act 1998 to work alongside a range of other agencies to ensure safety in their local communities, the closure of any school site also has the potential to increase community safety issues around the school's location as disused buildings can attract anti social behaviour and have a significant impact on residents living in the school vicinity, placing additional demand upon the services responsible for dealing with them. To meet its statutory duty in relation to crime and disorder the Council as landlord for both Brewers Hill Middle School and Streetfield Middle, and the Ashton Foundation as Trustees of Ashton Middle School will need to work to ensure that community safety issues are considered and appropriate measures are put in place to mitigate any risks.

Sustainability:

32. Not applicable.

Procurement:

33. Not applicable.

Overview and Scrutiny:

34. This matter has not been considered by Overview and Scrutiny prior to its publication, but will be considered within the consultation phases.

RECOMMENDATIONS:**The Executive is asked to:**

- 1. approve the initiation of a consultation to close Brewers Hill Community Middle School in Dunstable, phased from September 2015, with final implementation in August 2016;**
- 2. approve the initiation of a consultation to close Ashton Church of England Voluntary Aided Middle School in Dunstable, phased from September 2015, with final implementation in August 2016;**
- 3. approve the initiation of a consultation to close Streetfield Community Middle School in Dunstable, phased from September 2015, with final implementation in August 2016;**
- 4. agree to receive a report providing the responses to each consultation at the Council's Executive on 27 May 2014, and make a decision on whether to proceed to the publication of statutory notices for each school, with a view to receiving a final report and making final decisions at the Council's Executive on 19 August 2014.**

Reason for Recommendations:

To ensure the Council continues to meet its statutory obligations to provide sufficient school places and also to meet the legal requirements placed on the Council by The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2013 regarding proposals to close the three maintained schools as set out in this report. Final approval of the proposals set out in recommendations 1-3 will be determined by the Council's Executive on 19 August 2014, informed by the outcome of the consultation exercises. The Council's Executive is required to make its decision within 2 months of the end of the consultation period.

Executive Summary

35. The purpose of this report is to provide the Council's Executive with sufficient information and guidance to enable it to consider the recommendations to undertake consultation on proposals to close Streetfield Community Middle School, Brewers Hill Community Middle School and Ashton Church of England Voluntary Aided Middle School.

36. The report will set out the background to the proposals and the process that they must followed, aligned with the statutory requirements set out in legislation and Department for Education guidance for proposals of this nature.
37. The report concludes with a recommendation to commence consultation on the proposals to close these three schools, with an implementation date of August 2016.

Background

38. National changes in Education legislation has meant that the Council's role in determining the pattern of provision for an area has changed.
39. Central Bedfordshire Council has been and continues to be supportive of schools' academisation across the Council area.
40. If an Academy wishes to change their age range, they are required to consult and present their proposals to the Secretary of State for approval.
41. The Council has ensured that maintained schools have the same opportunities as Academies in changing their age range, if they can demonstrate sufficient demand from parents for these changes and can meet other criteria set out in DfE guidance. For maintained schools the Council is the decision maker, and for Academies, the Secretary of State is the decision maker.
42. These new freedoms have led to a change to the historical pattern of provision concentrated largely on the Dunstable and Houghton Regis area as a result of previous Council and DfE decisions to change existing age ranges in a number of schools and Academies, fundamentally towards a more traditional primary/secondary pattern of provision.
43. From September 2014 within the planning area of Dunstable and Houghton Regis there will be 17 primary schools serving the 5-11 age range (Lark Rise, St Augustine's, Ardley Hill, Lancot, Kensworth, Ashton St Peters, Hawthorn Park, Thornhill, Tithe Farm, Thomas Whitehead, Houghton Regis, St Marys, Eaton Bray, Hadrian, St Christophers, Barnfield Vale and St Vincents).
44. There will also be a middle deemed primary serving the 5-13 age range (Caddington Village School) and a middle deemed secondary serving the 9-16 age range (Priory Academy).
45. There will be 4 secondary schools serving the 11-19 age range (Houghton Academy, All Saints Academy, Queensbury Academy and Manshead Church of England VA) and a University Technical College serving the 14-19 age range.
46. Dunstable Icknield, Watling, Studham and Slip End Lower Schools are developing partnership arrangements with other schools and Academies in the area to sustain their existing 5-9 age range and traditional point of transfer at the end of Year 4.

47. Of the remaining schools in the area Beecroft Lower (Academy) is currently undertaking a consultation on its proposal to change its current 4-9 years age range and become a 4-11 primary school from September 2015. Totternhoe Lower School has previously considered its options and may do again in the future. If the recommendations in this report are approved, there will be no Year 5 transfer to Brewers Hill Middle School, Ashton Middle School or Streetfield Middle School in September 2015 and beyond. This change would be reflected in the Statutory Admissions consultation which occurs annually. There has been no pupils transfer to Dunstable schools from Totternhoe Lower School in recent years. Parents could still apply to Priory Academy if they chose to do so.
48. These changes to the pattern of provision and admissions transfer points has significantly altered the supply of places in each year group across the area, and has impacted specifically on middle school provision in the area in 2 key parts.
49. Firstly, the implementation of former lower schools becoming primary schools has meant that a significant number of parents have chosen to retain their children in the new Year 5 year group within their existing school, rather than apply to transfer to Year 5 in a middle school. The corresponding reduction in Year 5 transfer applications to middle schools can be seen in the data provided later in this report.
50. Secondly, the implementation of former upper schools becoming secondary schools has meant that a significant number of parents have chosen to apply for transfer to a secondary school in Year 7, rather than retain their children within Year 7 in a middle school. The speed of the loss of pupil numbers in middle schools between September 2013 and 2014 has been further exacerbated by the removal of a Year 9 transfer point after September 2015, as new secondary schools focus in future years on a single point of entry in the normal admissions round at Year 7 after that date.
51. In September 2013, parents of Year 6 children were advised that they would not have the choice of a Year 9 application as part of the normal admissions round in 2016. A significant number have chosen to apply for a Year 7 place in a secondary school from September 2014, rather than remain within their current middle school and make an in year admission application to a Year 9 place within one of the local secondary schools in 2016. The corresponding reduction in Year 6 children moving into Year 7 in middle schools can be seen in the data provided later in this report.
52. The following table illustrates the size of each school year group cohort currently in schools and academies in the Dunstable and Houghton Regis area (May 2013 School Census data).

Year	R	1	2	3	4	5	6	7	8	9	10	11
Total number of pupils	897	822	819	793	750	675	686	648	656	610	576	663

53. The local impact of the rise in birth rate which is significant at a National level can be seen in the data, although historical analysis of pupil journeys in the area also reflects traditional patterns of the transfer of pupils to Roman Catholic secondary provision in Luton and to other schools in neighbouring authorities and areas of Central Bedfordshire. There is however a significant increase in pupil population in schools and academies in the Dunstable and Houghton Regis area which will need to be accommodated in future years. The data suggests that the size of cohort seeking a place in Year 7 could increase to 750 children in September 2015. In pupil place planning terms, to allow for parental preferences, this would require a minimum of 840 places to be provided.
54. It could be said that the increase in the population locally might suggest a need to retain these schools to accommodate the projected rise in the population locally in future years. The following paragraphs demonstrate why the retention of these middle schools would not be required to meet this demand.
55. A minimum total number of 840 places in each year group would currently allow for parental preferences to be accommodated while also balancing the negative impact of inefficient over supply of places across the area. This does not take account of new school provision which will be needed as a result of the proposed North Houghton Regis extension which will provide required additional education infrastructure as part of that development.
56. The following table illustrates the number of school places that are available across the area on the basis of changes to age ranges that have already been approved.

Year	R	1	2	3	4	5	6	7	8	9	10 **	11**
School planning need	840	840	840	840	840	840	840	840	840	840	840	840
Number of places	985	985	985	985	985	1366	1366	1382	1382	802	877	877
% surplus/ Deficit places	+17	+17	+17	+17	+17	+63	+63	+65	+65	-5	+4	+4

** this includes an assumed 75 places at the University Technology College (UTC) for pupils who may wish to transfer at the end of Year 9

57. This illustrates the level of surplus school places that exist particularly in Years 5 – 8 where provision is now duplicated in middle schools. In Years 5 and 6 it is duplicated in the primary schools, many of which have chosen to retain their original Published Admission Number (PAN) across their new age range, and in Years 7 and 8 it is duplicated in the secondary schools.

58. The table also illustrates that available capacity in Years 9 to 11 is at or below desired levels (i.e. +/- 5% noting that 75 places have been included as available through the University Technical College in the figures above) and the Council will be required to commission additional school places in the future (but probably not before September 2016) simply to accommodate the growth in pupil numbers that are already in the local school system.
59. The following table illustrates the number of school places that would be available across the area if the proposals outlined in this report are implemented.

Year	R	1	2	3	4	5	6	7	8	9	10 **	11**
School planning need	840	840	840	840	840	840	840	840	840	840	840	840
Number of places	985	985	985	985	985	961	961	977	977	802	877	877
% surplus/ Deficit places	+17	+17	+17	+17	+17	+14	+14	+16	+16	-5	+4	+4

60. The Council has been tracking admissions application data and sharing it with affected schools during the Autumn term and into the Spring term. September 2014 is the date at which many of the schools in the area have been approved to implement their change of their age range, and therefore admissions applications are significant in determining the numbers of pupils likely to be on roll in these schools compared to the capacity of the school.
61. The closing date for applications for secondary places in Year 7 was 31 October 2013, and the closing date for applications into Middle schools in Year 5 was 15 January 2014. The numbers of pupils in a school and in a year group has a significant impact on a school's ability to effectively deliver an appropriate and high quality curriculum, social interactions in peer groups as well as a significant impact on each school's budget.
62. The consultation on the school funding arrangements from April 2014 took place in September 2013. The Council's Executive approved the distribution of DSG at its meeting on 14 January 2014 based on the analysis of the responses to the consultation and the recommendations of School Forum. This included approval of the recommendation of using admissions applications data for calculating schools' budgets for a limited number of schools and Academies that are affected by their own change in age range or the impact of others locally. This is to ensure that as far as is possible the financial resources follow the pupils where age range changes are approved, based on January admissions applications data rather for the period September 2014 to March 2015, than the previous year's October Census data.

63. The schools' budget share will be calculated based on the October 2013 census for the period April to August, and on the admissions applications data in January for the period September to March. If the actual numbers differ by more than 10%, an adjustment will be applied to the following September. If the impact of this is that a school finds itself in financial difficulty, the school can apply for a licenced deficit and the Council will evaluate the proposal and support the school to address the issues.
64. This will particularly impact on Middle schools in the Dunstable area in their budgets for 2014/2015 (from September 2014). In 2014 this impacts mainly on the future financial viability of Brewers Hill Middle School, Ashton Middle School, and Streetfield Middle School due to a significant reduction in pupil numbers.
65. The following sections set out the anticipated numbers and context for the three schools, and therefore the basis for the judgement that the schools are not viable in the future.

Brewers Hill Middle School

66. Brewers Hill Middle School Governing Body and Headteacher approached Barnfield Academy Trust in 2011 with a view to converting to an Academy, with the intention post conversion to then consult on a change in age range to become a primary school with a studio school in the future.
67. With the impact of the changing pattern of provision in the area, Barnfield identified that there would not be sufficient demand for a primary school and given other site transfer issues, withdrew from the conversion.
68. Brewers Hill Middle School is judged by Ofsted to be a 'good' school, but the changing pattern of provision within its feeder lower schools as set out below has an impact on the future viability of the school.
69. Eaton Bray Academy is judged by Ofsted to be 'outstanding' and became a Primary School in September 2013. Historically their pupils have tended to transfer to schools in both Leighton Buzzard and in Dunstable.
70. Lancot Lower School is judged by Ofsted to be 'good' and will become a primary school in September 2014 retaining a Year 5 cohort.
71. Beecroft Lower School is judged by Ofsted to be 'outstanding' and has now converted as an Academy. It is consulting on extending their age range with an implementation date of September 2015, when it is proposing to retain its year 5 cohort.
72. Totternhoe Lower School is judged by Ofsted to be 'good'. It has not expressed any plans to consider an age range change as yet. There are currently 9 year 4 pupils attending Totternhoe who may be looking to transfer to middle school in September 2014, either in Dunstable or to seek a place in the Leighton Buzzard area. No children transferred from Totternhoe to Brewers Hill Middle School in September 2013. No parents of children from Totternhoe Lower School have applied for a place at Brewers Hill Middle School for September 2014. All parents have applied for a place in a Leighton Buzzard school.

73. Manshead Upper School, which is judged by Ofsted to 'require improvement', and Queensbury Academy, which is due to be inspected imminently as a 'new' school, will both become secondary schools from September 2014. They will have an intake at both Year 7 and Year 9 for 2014 and 2015 only. All Saints Academy, which is judged by Ofsted to 'require improvement', had a Year 7 intake in September 2013, which will mean that in September 2014 they will be running a secondary model accommodating all year groups from Year 7 to Year 13.
74. In September 2013 of the potential 117 catchment children only 64 (55%) transferred to Brewers Hill Middle School.
75. The table below sets out the current numbers on roll at Brewers Hill Middle School (as at 15 January 2014), the projected numbers in September 2014 based on actual applications and projected numbers for September 2015 based on assumptions regarding applications. Brewers Hill Middle School has a Published Admission Number of 120.

Year Group	Current	Projected September 2014	Projected September 2015
5	64	36	0
6	56	64	36
7	33	28	32
8	28	33	28
Total	181	161	96
Capacity	480	480	480

76. Parents of 28 of the current 56 Year 6 pupils have applied for a place in local secondary provision in Year 7. Not all parents will necessarily take up these places, and there may also be some additional late applications. However, schools budgets from September 2014 will be calculated on the position of applications in January as agreed at the Council's Executive on 14 January 2014.
77. As at 16 January 2014 Brewers Hill Middle School has received 36 first preference applications into Year 5. Although it had been anticipated that Beecroft Academy, as one of Brewers Hill Middle School's main feeder schools would apply to extend their age range to the full primary years from September 2014, they have delayed their proposed implementation date (if approved) to September 2015.
78. This has implications for the school's budget from September 2014, as well as the required staffing structure. The expectation would be that these numbers would require a reduced number of teaching staff. This would make it very difficult to deliver the Key Stage 2 Curriculum needed in years 5 and 6 as well as the more subject specialist Key Stage 3 curriculum in Years 7 and 8.

79. If the same assumptions on numbers were projected through to September 2015, these numbers would further decrease. The projected figures in the table are based on a number of assumptions.
- Beecroft Lower School is approved to become a primary school from September 2015 and that it and Lancot retain all of their Year 4 pupils into Year 5.
 - All of the Year 5 pupils transfer into Year 6 in 2015.
 - Approximately half of the parents with Year 6 children in 2014/2015 make a secondary application to a local secondary school for September 2015.
 - All pupils in Year 7 in 2014/2015 stay on into Year 8 in September 2015, although parents could make an in year application into Year 8 in any of the local secondary schools.
80. These numbers are not sufficient to enable a school to deliver the full curriculum.
81. There are already significant surplus Primary places in the area (+17% above demographic demand) as outlined previously.
82. There are currently sufficient secondary places in the area, and additional accommodation will be commissioned in due course as a result of the proposed 7000 new houses to the North of Houghton Regis, the first phase of which is unlikely to commence until 2016.
83. This would suggest that the only feasible option is to consult on a proposal to close Brewers Hill Middle School. If an alternative viable option is presented through the consultation process, this will be considered as part of the decision making at the Council's Executive on 27 May 2014, who will then determine whether or not to progress to the service of statutory notices and final representation period.
84. If the decision is taken to approve commencement of consultation on closure, it will be necessary to work with neighbouring schools. The priority must continue to be ensuring the pupils continue to receive a good quality of education and have a smooth onward educational journey.

Ashton Middle School

85. Officers have been holding regular meetings since September 2013 with the Headteacher, Deputy Headteacher, Governors and the Diocese to consider future options for Ashton Middle School. The school is being supported through the Council's School Intervention Strategy due to its performance. It has recently been inspected and was judged as 'Requires Improvement'.
86. The Governing Body of the school has already consulted with stakeholders on becoming a primary school and decided to not continue with this option. They have explored partnership arrangements with other schools, but have not been successful in securing any other options. They are still pursuing options, and Governors have sent a letter to all parents declaring an intention to become a secondary school. They have reported that they will be consulting on this imminently.

87. Ashton Middle School has historically admitted pupils from a number of schools across the Dunstable and Houghton Regis area. Ashton St Peters Lower School is a main feeder and is judged by Ofsted to be 'good'. It will become a Primary School in September 2014. Many schools in the area will be primary schools by September 2014, other than 5 that remain as lower schools (Dunstable Icknield Lower School, which is judged by Ofsted to be 'outstanding', Watling Lower School, which is judged by Ofsted to 'require improvement', Studham Lower School, which is judged by Ofsted to be 'good', Slip End Lower School, which is judged by Ofsted to be 'outstanding' and Totternhoe Lower School, which is judged by Ofsted to be 'good'). Parents from converting primary schools could still choose a middle school as an option.
88. Manshead Upper School, which is judged by Ofsted to 'require improvement', and Queensbury Academy, which is due to be inspected imminently as a 'new' school, will both become secondary schools from September 2014. They will have an intake at both Year 7 and Year 9 for 2014 and 2015 only. All Saints Academy, which is judged by Ofsted to 'require improvement', had a Year 7 intake in September 2013, which will mean that in September 2014 they will be running a secondary model accommodating all year groups from Year 7 to Year 13.
89. Ashton St Peters and Manshead Schools are both Church of England schools, and will be able to continue to provide a faith based education for the full age range with their extended age ranges which have been approved.
90. The table below sets out the current numbers on roll at Ashton Middle School (as at 15 January 2014), the projected numbers in September 2014 based on actual applications and projected numbers for September 2015 based on assumptions regarding applications. Ashton Middle School has a Published Admission Number (PAN) of 155.

Year Group	Current	Projected September 2014	Projected September 2015
5	106	35	0
6	118	106	35
7	104	37	33
8	140	104	37
Total	468	282	105
Capacity	620	620	620

91. As at 16 January 2014 parents of 81 of the current 118 Year 6 pupils have applied for a place in local secondary provision in Year 7. Not all parents will necessarily take up these places, and there may also be some additional late applications. However, schools budgets from September 2014 will be calculated on the position of applications in January as agreed at Executive on 14 January 2014.
92. As at 16 January 2014 Ashton have received 35 first preference applications into Year 5.

93. This has implications for the school's budget as well as the required staffing structure. The expectation would be that these numbers would require a reduced number of teaching staff. This profile of numbers would make it increasingly difficult to deliver the Key Stage 2 Curriculum needed in years 5 and 6 as well as the more subject specialist Key Stage 3 curriculum in Years 7 and 8.
94. If the same assumptions on numbers were projected through to September 2015, these numbers would further decrease. The projected figures in the table are based on a number of assumptions.
- All primary schools retain all of their Year 4 pupils into Year 5.
 - All of the Year 5 pupils transfer into Year 6 in 2015
 - A similar percentage of the parents with Year 6 children in 2014/2015 make a secondary application to a local secondary school for September 2015.
 - All pupils in Year 7 in 2014/2015 stay on into Year 8 in September 2015, although parents could make an in year application into Year 8 in any of the local secondary schools.
95. These numbers are not sufficient to enable a school to deliver the full curriculum.
96. The school has already consulted on becoming a primary school and the Governing Body decided that there was insufficient response to move forward with this option. There are also surplus primary places in the area.
97. There are currently sufficient secondary places in the area.
98. This would suggest that the only feasible option is to consult on a proposal to close Ashton Middle School. If an alternative viable option is presented through the consultation process, this will be considered as part of the decision making at the Council's Executive on 27 May 2014, who will then determine whether or not to progress to the service of statutory notices and final representation period.
99. If a decision was taken to initiate closure consultation, it will be necessary to work with neighbouring schools (and in particular Ashton St Peters and Manshead as other Ashton Foundation Church of England faith schools). The priority must continue to be ensuring the pupils continue to receive a good quality of education and have a smooth onward educational journey.

Streetfield Middle School

100. Officers have been holding regular meetings since March 2013 with the Headteacher, Deputy Headteacher and the Chair of Governors to consider the changing context and possible future options for Streetfield Middle School. The school is being supported through the Council's School Intervention Strategy due to its performance. It has recently been inspected and was judged as 'Requires Improvement'. The Headteacher left in December 2013, and the school is currently being led by the Deputy Headteacher in an Acting Headteacher capacity.

101. The school has expressed an interest in consulting on becoming a primary school, but has not as yet submitted a business case to initiate this process. The school would be able under the proposed new DfE regulations to propose and determine its own change in age range, although given the current demographic and supply of places it would appear difficult to prove demand for a viable alternative.
102. Streetfield Middle School has historically admitted pupils from a number of schools across the Dunstable area, including out of catchment children. They have a number of feeder lower schools. Studham Lower School is judged by Ofsted to be 'good' and is currently remaining as a Lower School and is in discussions with Priory Academy regarding transition of pupils into Year 5 where parents wish it. Ardley Hill Lower School, which is judged by Ofsted to be 'good', St Augustines Academy, which is judged by Ofsted to be 'good', and Kensworth Lower School, which is judged by Ofsted to be 'good', will be primary schools from September 2014. St Marys School (which is on the same site) became a primary school from September 2013 and is judged by Ofsted to 'require improvement'. Parents from converting primary schools could currently still choose a Middle School as an option.
103. Manshead Upper School, which is judged by Ofsted to 'require improvement', and Queensbury Academy, which is due to be inspected imminently as a 'new' school, will both become secondary schools from September 2014. They will have an intake at both Year 7 and Year 9 for 2014 and 2015 only. All Saints Academy, which is judged by Ofsted to 'require improvement', had a Year 7 intake in September 2013, which will mean that in September 2014 they will be running a secondary model accommodating all year groups from Year 7 to Year 13.
104. The table below sets out the current numbers on roll at Streetfield Middle School (as at 15 January 2014), the projected numbers in September 2014 based on actual applications and projected numbers for September 2015 based on assumptions regarding applications. Streetfield Middle School has a Published Admission Number (PAN) of 130.

Year Group	Current	Projected September 2014	Projected September 2015
5	78	22	0
6	86	78	22
7	85	29	26
8	114	85	29
Total	363	206	77
Capacity	520	520	520

105. As at 16 January 2014 parents of 57 of the current 86 Year 6 pupils have applied for a place in local secondary provision in Year 7. Not all parents will necessarily take up these places, and there may also be some additional late applications. However, schools budgets from September 2014 will be calculated on the position of applications in January as agreed at Executive on 14 January 2014.
106. As at 16 January 2014 Streetfield Middle School has received 22 first preference applications into Year 5.

107. This has implications for the school's budget as well as the required staffing structure. The expectation would be that these numbers would require a reduced number of teaching staff. This profile of numbers would make it increasingly difficult to deliver the Key Stage 2 Curriculum needed in Years 5 and 6 as well as the more subject specialist Key Stage 3 curriculum in Years 7 and 8.
108. If the same assumptions on numbers were projected through to September 2015, these numbers would further decrease. The projected figures in the table are based on a number of assumptions.
- All primary schools retain all of their Year 4 pupils into Year 5.
 - All of the Year 5 pupils transfer into Year 6 in 2015
 - A similar percentage of the parents with Year 6 children in 2014/2015 make a secondary application to a local secondary school for September 2015.
 - All pupils in Year 7 in 2014/2015 stay on into Year 8 in September 2015, although parents could make an in year application into Year 8 in any of the local secondary schools.
109. These numbers are not sufficient to enable a school to deliver the full curriculum.
110. The school has expressed an interest in becoming a primary school, although there are significant surplus places available in the area already. This option could provide a Primary Autism Provision as Streetfield already has this Specialist Provision, although this could be provided elsewhere in the area if another school agreed to this following an open commission process.
111. This would suggest that the only feasible option is to consult on a proposal to close Streetfield Middle School. If an alternative viable option is presented through the consultation process, this will be considered as part of the decision making at the Council's Executive on 27 May 2014, who will then determine whether or not to progress to the service of statutory notices and final representation period.
112. If the decision is taken to approve commencement of consultation on closure, it will be necessary to work with neighbouring schools. The priority must continue to be ensuring the pupils continue to receive a good quality of education and have a smooth onward educational journey.

Conclusion and Next Steps

113. As set out within this report, these three Middle Schools have falling pupil rolls and are unviable. If the recommendation to commence consultation on the closure of each is approved, the following timeframe will apply to each:
114. Executive approval to commence consultation: 4 February 2014
Statutory consultation: 24 February 2014 to 7 April 2014
Executive consideration of responses to consultations and decision to publish statutory notices if required: 27 May 2014
Representation period: 9 June 2014 to 7 July 2014
Determination by Executive: 19 August 2014

115. If approved, implementation of the closure of all three schools would follow the same timeframe and process:

September 2014 (in normal admissions round):

Applicants for Year 5 transfer admitted
Parents of Year 6 children invited to apply for transfer to secondary schools in Year 7 in September 2015
Year 7 operates, but on a reduced size of year group
Parents of Year 8 children to apply for transfer to secondary schools in Year 9 in September 2015

116. **April 2015 (following 'in year' admissions process):**

Parents of Year 7 children invited to consider an in year application to transfer to secondary schools in Year 8 in September 2015

117. **September 2015 (in normal admissions round):**

No admissions intake to Year 5
Parents of Year 6 children invited to apply for transfer to secondary schools in Year 7 in September 2016

118. **April 2016 (following 'in year' admissions process)**

Parents of any Year 8 children remaining in the school to apply in April 2015 for 'in year' transfer to Year 9 in a secondary school in September 2016

This may have implications for transport, although numbers would be small. This timescale would need to be reviewed during the phased implementation depending on actual numbers at each school.

Appendices:

None

Background Papers: (open to public inspection)

None