
Meeting: Executive

Date: 27 May 2014

Subject: **Consideration of the Outcome of Statutory Consultations of Proposals to close Brewers Hill Community Middle School, Streetfield Community Middle School and Ashton Church of England (C of E) Voluntary Aided (VA) Middle School in August 2016**

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

Summary: The report provides information regarding the responses to the consultations initiated with approval of the Council's Executive at its meeting on the 4 February 2014, on the phased closure of the Community Schools of Brewers Hill Middle School and Streetfield Middle School and the C of E VA School of Ashton Middle School from September 2015, with full closure from August 2016. The report provides responses to the points raised and makes recommendations for the Executive to consider with regard to the next stage.

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

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. 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 DFE adjudicates where the Schools Forum does not agree.
2. Following consultation with schools and others in September 2013, and the recommendations of the Schools Forum, the Council's Executive approved the distribution of DSG at its meeting on 14 January 2014. 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 for the period September 2014 to March 2015, rather than the previous year's October Census data.
3. Each schools' budget share has been 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 the following September. If the impact of this is that a school finds itself in financial difficulty, maintained schools can apply to the Council for a licenced deficit, and the Council will evaluate the proposal and support the school to address the issues.
4. 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. If the outcome of this consultation process results in a decision to close either or both of these schools, subsequent reports will be made to the Council's Executive on options for the land and buildings.
5. The land occupied by Ashton Middle School is owned by the Ashton Foundation and the school is a St Albans Diocese School. If the outcome of this consultation process results in a decision to close the school, the Ashton Foundation would need to consider future use of the land and buildings.

Legal:

6. 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.

7. 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).
8. The main legislation governing the discontinuance of Council maintained schools in force, when the report to the Council's Executive on the 4 February proposing to initiate the consultations was published, was contained 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).
9. As a result of Department for Education (DfE) proposals published in 2013, these regulations have now been revoked and replaced by The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which came into force on 28 January 2014. The DfE has also published revised 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. This new guidance was published in final form on the 21 February 2014. Under Section 16(3) of the Education & Inspections Act 2006 the Council, as proposer of the school closures covered in this report, must have regard to the guidance issued by the DfE.
10. 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 – The Council's Executive determination of the proposal, within 2 months of the end of the representation period, otherwise it will fall to the Schools Adjudicator.
 5. Implementation – Putting into effect of the proposed closure.

11. 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. On the 4 February 2014 the Council's Executive approved commencement of consultation, represented by Stage 1 of the process set out above and the purpose of the report to the Council's Executive on 27 May 2014 is to provide advice on the outcome of that exercise and to consider progression to Stage 2, the service of statutory notices. If approved, the Statutory Notices will automatically include the commencement of the Stage 3 Representation period and will require final determination (Stage4) by the Council's Executive on 19 August 2014.
12. The DfE guidance for decision makers contains a number of key factors to be considered when a final decision is made on school organisation proposals, represented by Stage 4 in the process as set out above. Decision makers determining school closure proposals must consider these factors and all of the views submitted throughout the consultation process, including all objections to and comments on the proposals. The guidance is clear that these factors should not be taken to be exhaustive and all proposals should be considered on their individual merits.
13. The factors outlined in statutory guidance for school organisation proposals include:

Consideration of consultation and representation period
Education standards and diversity of provision
Demand
School size
Proposed admission arrangements
National curriculum
Equal opportunity issues
Community cohesion
Travel and accessibility
Capital
School premises and playing fields.
14. In addition, the guidance sets out additional factors relevant to the closure proposals set out in this report which include:

Arrangements and capacity elsewhere for displaced pupils;
Popularity of those schools with surplus places and evidence of parents aspirations;
Schools to be replaced by provision in a more successful/popular school;
Schools causing concern;
Balance of denominational provision;
Community Services.
15. Proposals that make changes to special educational needs (SEN) provision must also be carefully considered and evaluated by the decision maker. This factor is relevant to the proposal to close Streetfield Middle School which currently includes a Specialist Autistic Spectrum Disorder Provision, which would need to be re-commissioned if the school were to close.

16. If the proposals are to proceed to the service of statutory notices, the final report to the Council's Executive on 19 August 2014 will reflect upon each of the factors set out in Paragraphs 13, 14 and 15, and any others that have arisen throughout the initial consultation phase. This will provide the information required before the Council's Executive makes a final decision.
17. If the proposals are to proceed, the local Church of England (CofE) Diocese of St Albans, the Bishop of the local Roman Catholic Diocese of Northampton and the governing body and trustees of Ashton CofE Voluntary Aided Middle school have a right of appeal to the schools adjudicator if they disagree with the Council's final decision at Stage 4 in the process as set out previously in this report. The Governing Bodies of the Community Schools of Streetfield Middle and Brewers Hill Middle have no right of appeal. The Frequently Asked Questions (FAQs) published originally with the consultation documents for Streetfield Middle and Brewers Hill Middle Schools made reference to the right of appeal of any Governing Body of a school subject to closure proposals. This has been since clarified in the DfE revised guidance for School Organisation proposals, published in final form on the 21 February 2014, following implementation of the new regulations in January 2014.

Risk Management:

18. The proposals to close the 3 Council maintained schools which have been the subject of 6 weeks consultation 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.
19. Key risks associated with taking no action 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.
20. 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 from the Council and involving key school staff. External support for each school will be commissioned as appropriate by the Council.

Staffing (including Trades Unions):

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

22. Alongside the proposals set out in this report, all 3 schools have been advised 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.
23. The Council's HR Team has monitored all proposed 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, if this is the decision that is made.
24. 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 this is the decision that is made. If agreed and can be afforded by the school, 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 and facilitated through the use of the schools redeployment policy. The Council do not have any powers to redeploy staff to other schools as the Governing Body of each school is responsible for the appointment of staff.

Equalities/Human Rights:

25. 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.
26. 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.
27. 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.
28. 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 final report to Executive in August 2014, if the decision is taken to proceed to the next stage.

Public Health:

29. 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:

30. 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:

31. Not applicable.

Procurement:

32. Not applicable.

Overview and Scrutiny

33. The Overview and Scrutiny Committee met on 7 May 2014 and considered the responses to the consultations.
34. The Overview and Scrutiny Committee

RECOMMEND TO EXECUTIVE to:

1. Progress to the publication of statutory notices and final representation period to close Brewers Hill Community Middle School in Dunstable, phased from September 2015, with final implementation in August 2016.
2. Progress to the publication of statutory notices and final representation period to close Streetfield Community Middle School in Dunstable, phased from September 2015, with final implementation in August 2016.
3. Progress to the publication of statutory notices and final representation period to close Ashton Church of England Voluntary Aided Middle School in Dunstable, phased from September 2015, with final implementation in August 2016.
4. That there be further opportunity for schools either individually or in conjunction with another or other schools to bring forward a viable business plan with any appropriate assistance being provided by Council officers, which can be scrutinised at the May 2014 Executive if possible or August 2014 at the latest.

RECOMMENDATIONS:

The Executive is asked to:

1. progress to the publication of statutory notices and final representation period to close Brewers Hill Community Middle School in Dunstable, phased from September 2015, with final implementation in August 2016;
2. progress to the publication of statutory notices and final representation period to close Streetfield Community Middle School in Dunstable, phased from September 2015, with final implementation in August 2016; and
3. progress to the publication of statutory notices and final representation period to close Ashton Church of England Voluntary Aided Middle School in Dunstable, phased from September 2015, with final implementation in August 2016.

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 that are agreed by the Council's Executive on 27 May 2014 to be taken forward to the next stage of consultation 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.

Summary

35. The purpose of this report is to provide the Council's Executive with information on the responses to the initial consultations on proposals to close Brewers Hill Community Middle School, Streetfield Community Middle School and Ashton Church of England Voluntary Aided Middle School.
36. The report sets out a summary of the responses to the consultation for each school, and gives a response to any questions identified or points made through that process.
37. The report seeks a decision from the Executive for each recommendation regarding the next actions to be taken.

Background

38. The Council's Executive considered a report at its meeting on the 4 February 2014 (available as Background Paper) which set out the rationale for commencement of consultation on proposals to close Streetfield Community Middle School, Brewers Hill Community Middle School and Ashton C of E VA Middle School from August 2016. Letters were sent by the Executive Member for Children's Services to all parents and carers of pupils at each of the three schools before the 4 February Executive meeting to advise them of its forthcoming consideration to commence consultation.
39. The future viability of the three schools in this report has been evaluated and reported to the Council's Executive on the 4 February 2014 on the basis of reduced applications for admission to Year 5 in each school in September 2014 and increased numbers of children applying to transfer from each school at the end of Year 6 to take a place in Year 7 at one of the secondary schools in the area from September 2014. This report set out the background to this, which relates to the changed pattern of provision and therefore admission and transfer points in the local area which has significantly altered the supply of places with particular impact on the 3 identified middle schools. The report set out in detail the availability of places within the local area, and clearly set out the high percentage of surplus places in particular year groups. If no action was taken there would be between 63% and 65% surplus places across the year groups served by middle schools. The report also included information on the number and percentage of places available should all 3 proposals be implemented, which showed that there would still be between 14% and 15% more places available within the local area than currently needed for school place planning.
40. The Executive report of 4 February also illustrated the forecast reduction in the total number of children attending each of the 3 schools based on Admission applications, and the consequential impact on the reduction in revenue funding that the schools will receive from September 2014. The report highlighted the challenges both the reduction in pupil numbers and therefore budget would have on the ability of the schools to continue to deliver both the Key Stage 2 and Key Stage 3 curriculum in their schools.

41. The Council's Executive approved the recommendations within that report and a 6 week period of consultation, required by regulation, commenced for each proposal on the 24 February 2014 concluding on the 7 April 2014.
42. Consultees included:
- Parents and carers of pupils at each of the three schools
 - Governors and staff at each of the three schools
 - Dunstable Town Council
 - Central Bedfordshire ward Members for the Dunstable, Houghton Regis and Caddington areas
 - All other Central Bedfordshire Ward Members
 - General public – via notices in the local library, on the Council's Admissions website and through press releases
 - All schools and academies within Central Beds, and through them Governors, parents and carers in the area
 - Ashton Foundation
 - Roman Catholic and Church of England Diocesan Boards
 - Central Bedfordshire Council Children's Services colleagues
 - Local MP
 - Trade union representatives
 - Neighbouring local authorities
 - Voluntary Sector Organisations
 - Central Beds Children's Trust Board.
43. A total of 4 press releases were published by the Council following the Executive approval of the consultation exercises. These press releases were provided to:
- Dunstable Gazette, Luton News, Luton on Sunday, Leighton Buzzard Observer
 - Three Counties Radio, BBC Look East
 - All elected Members of Central Bedfordshire Council
 - Senior staff within the Council
 - The Council's website news pages and also on the schools pages
 - Email updates to residents.
44. Separate letters were also sent by the Executive Member for Children's Services and by the Council's School Admissions Team to all parents and carers of Year 4 pupils who had applied for a place at 1 of the 3 schools in September 2014 to advise on the initiation of consultations.
45. The Council's consultation was supported by publication of a consultation document specific to each school including a range of frequently asked questions. The frequently asked questions (FAQs) were also updated on an ongoing basis on the Council's website as new issues and queries arose throughout the process.
46. Each of the proposals were also communicated through a meeting organised by the Council at each school with staff, trade unions and professional organisations. A separate meeting was also held at each school for parents, carers and other stakeholders.

47. The Council's consultation document and notes of meetings held at each school are attached to this report as Appendices A, B and C. Appendix D provides the FAQs published on the Council's website that summarise issues that have arisen that are generic and not necessarily specific to any one of the proposals.

Issues Raised through the Consultation Process in relation to all Proposals, and the Council's Response to these.

48. A number of issues were raised throughout the consultations that were common to all 3 proposals. The following sections of the report summarise these and provide the Council's response.
49. On 12 September 2013, following the approval by the Council and DfE of the changes in age range of Manshead Upper and Queensbury Academy, the Council's Admissions Service sent a letter to parents and carers of all children attending a middle or combined middle school in Year 6 advising them of the loss of a Year 9 co-ordinated transfer point in Dunstable and Houghton Regis from September 2016. A concern was raised by consultees both within the meetings and in the written responses that this was misleading and parents and carers had made the transfer application as they were concerned that they would not be able to access a place in any local school in the future in Year 9. The letter was intended to provide information to parents and carers that there would not be a coordinated transfer point, and directed parents and carers to the Council's website and to the Admissions Helpline for further information. The service did respond to all requests for advice that it received. At the consultation meetings the Admissions Service clarified the process for In Year Admissions, and advised parents and carers that although sufficient places exist across the Dunstable and Houghton Regis area this process relied on the availability of places in the right year group at their chosen school.
50. Concern was raised through the consultation process that the Council's Admissions Team had not actively sought to explain to all parents and carers of children in Year 4 in any of the Lower Schools due to become Primary Schools in September 2014 of the continued option of a Year 5 transfer application to any of the middle schools in the area for September 2014. Throughout the consultation process respondents have been advised that the Council has never sought to target parents and carers of children at schools that could continue to accommodate them through to the last year of their current phase of education at that particular school. Examples in the area include schools such as St Vincents Primary School (Years R to 6) and Caddington Village School (Years R to 8) where parents could have opted to transfer their children out of these schools and into a local middle school at Year 5, but the Council has never proactively contacted parents to provide this advice. Therefore the precedent for this was clearly set in relation to other schools, and it was believed that any change to this was likely to cause confusion.
51. The Admissions website sets out information on the pattern of provision in the local area and the different transfer arrangements.

52. Some consultees queried the accuracy of admissions application data taken in January 2014 as the basis for each school's budget for the period September 2014 to March 2015 in that the modelling set out in the 4 February Executive report did not include subsequent changes in school population that occur each year as a result of in year admissions. The following tables illustrate for each school that in year admissions have a negligible effect on the total number on roll as measured between the October and January census, when in year losses are also taken account of.

Brewers Hill	Number on Roll Autumn 2013	Number on Roll Spring 2014	In-year apps from September 2013	Net Difference +/-
Year 5	64	62	2	-2
Year 6	53	54	4	+1
Year 7	31	28	2	-3
Year 8	28	27	3	-1

Streetfield	Number on Roll Autumn 2013	Number on Roll Spring 2014	In-year apps from September 13	Net Difference +/-
Year 5	77	78	2	+1
Year 6	85	85	4	=
Year 7	84	84	6	=
Year 8	116	114	2	-2

Ashton	Number on Roll Autumn 2013	Number on Roll Spring 2014	In-year apps from September 13	Net Difference +/-
Year 5	101	107	10	+6
Year 6	116	117	4	+1
Year 7	102	104	14	+2
Year 8	141	139	6	-2

53. The report to the 4 February Executive provided information on the prospective numbers of pupils at each of the schools on the basis of Year 5 admissions application data to each middle school as at 15 January 2014, and data on transfer applications made by parents of Year 6 children to a Year 7 Secondary place. As set out in the 4 February report this is the basis for schools budgets from September 2014. The report acknowledged that not all parents will necessarily take up these places, and there may also be some additional late applications. In response to questions at the consultation meetings it was again acknowledged that it was understood that not all parents and carers would take up the places and that they could decline the place if they wished to. Consultees were advised that the schools funding formula for 2014/2015 includes a correction factor that will ensure that school budgets are corrected in 2015/2016 if there is a significant difference between the pupil numbers forecast from September 2014 and the actual pupils on roll.

54. The tables below provide an update on the figures provided in the 4 February report which includes:
- current numbers of pupils on roll at each school as of 9 April 2014
 - the projected numbers in September 2014 based on Year 5 offers now made (including late applications that will be allocated to each school);
 - Year 7 transfer offers now made and late applications yet to be offered.
 - Projected numbers for September 2015 which are based on the same assumptions regarding applications as set out within the 4 February report.

NB The original data reported to the Executive on 4 February 2014 is indicated in brackets.

The following table relates to Brewers Hill Middle School which has a Published Admission Number of 120.

Year Group	Current	Projected September 2014	Projected September 2015
5	62 (64)	41 (36)	0 (0)
6	57 (56)	62 (64)	42 (36)
7	29 (33)	29 (28)	31 (32)
8	28 (28)	29 (33)	29 (28)
Total	176 (181)	162 (161)	102 (96)
Capacity	480	480	480

The following table below relates to Streetfield Middle School which has a Published Admission Number (PAN) of 130.

Year Group	Current	Projected September 2014	Projected September 2015
5	76 (78)	23 (22)	0 (0)
6	87 (86)	76 (78)	23 (22)
7	83 (85)	28 (29)	24 (26)
8	111 (114)	83 (85)	28 (29)
Total	357 (363)	210 (206)	75 (77)
Capacity	520	520	520

The following table relates to Ashton Middle School which has a Published Admission Number (PAN) of 155.

Year Group	Current	Projected September 2014	Projected September 2015
5	110 (106)	40 (35)	0
6	118 (118)	110 (106)	40 (35)
7	107 (104)	25 (37)	37 (33)
8	139 (140)	107 (104)	25 (37)
Total	474 (468)	284 (282)	102 (105)
Capacity	620	620	620

55. A common concern arising in the public meetings and reflected in the responses to the wider consultation was a perception that the Council should have taken the strategic lead and driven change across the area, rather than the piecemeal, uncoordinated approach that many stated as their view of the recent process of change in the pattern of provision. The report made to the Council's Executive on 31 May 2011 at the conclusion of its review of school organisation in Dunstable and Houghton Regis reflected on the significant policy changes that had been introduced by the new Government since 2010, and the changing role of Local Authorities in driving School Improvement and in School Organisation. The report was clear that increasing autonomy and independence of Schools and Academies meant that the Council was unable, even if it were minded, to implement system wide change in the area. The report was also clear that the new freedoms for Schools and Academies was not an inert policy and there would inevitably be some schools that would see difficulties arising from reducing pupil numbers and associated reducing financial and therefore educational viability. The Council has been active in communicating these changes to schools, parents and carers, including through a public meeting held in April 2013, and consultees at the meetings were reminded of these policy changes.
56. A further issue raised in each consultation was that the closure of any of the three schools, if approved, would remove the potential of a Year 5 transfer point for those parents who are currently expressing a preference for it, therefore limiting choice in the future. Parents and carers do have a right to express a preference for a particular school whereas choices are defined by viable and popular schools that are capable of being sustained in the local area, which the three schools subject to this report are not.
57. A common concern raised was arrangements for staff at risk of potential redundancy as a result of the closure proposals. The Council has been clear throughout the consultation process that opportunities will be sought to ensure that good staff are retained in the area where possible and staff wish it. Employment in other schools in the area that will have opportunities due to their changing age ranges can also be encouraged and facilitated through the use of the schools redeployment policy.

58. Queries were raised with regard to the demographic data and housing forecasts outlined in the 4 February 2014 report to the Executive. It was suggested that the middle schools could potentially provide places required as a result of forecast population growth. The report to the Executive acknowledged that housing development and demographic growth in Dunstable and Houghton Regis will indeed require the Council to commission new school places in the area, in due course. As set out in the 4 February 2014 report to the Executive the current supply of places is sufficient to provide for the current demographic, other than in Years 9 to 11 where additional places may be required to accommodate children already receiving their education in the area, but probably not before September 2016. New school provision will be needed in the area but predominantly as a result of the proposed North Houghton Regis extension which will provide additional education infrastructure as part of that development, within the development area or on sites immediately adjacent to it. In addition, there are a number of approved in-fill developments within the existing urban area of Dunstable and Houghton Regis but these are not forecast to produce significant additional pupil yield that cannot already be accommodated within the surplus places that currently exist across the area.
59. The Council has approved a set of nine Policy Principles for Pupil Place Planning which guide its commissioning of new school places ensuring among other factors that they are provided where and when they are needed, by Ofsted Good or Outstanding providers reflecting the predominant pattern of school organisation in the area. As a result, none of the middle schools subject to this report would currently be considered to provide new primary and secondary places required as a result of housing development in the area.
60. Many respondents have expressed their desire to retain middle schools stating their preference for the nurturing environment that they believe they have provided to date. The debate of the relative benefits of three tier versus two tier education has been reflected in the consultations undertaken by every school and academy that has sought to change age range in the Dunstable and Houghton Regis area. As a result the pattern of provision has now changed significantly towards two tier primary and secondary schools with a very limited number of lower schools remaining and no upper schools in the area. In addition to the three schools in this report only three other schools in the area (Barnfield Vale offering Years R to 8, Caddington Village School offering Years R to 8 and Priory Academy offering Years 5 to 11) now offer a Year 5 transfer point through the Council's coordinated admissions scheme but these have not been sufficiently impacted by a reduction in pupil numbers to bring their financial viability into doubt. The admissions data reported to the Council's Executive on 4 February 2014 illustrates the extent of change in parental preferences in the area and the lack of sufficient support available to sustain these middle schools in a viable form.
61. Many respondents referred positively to the experiences of current and previous pupils at each of the schools, their reputation and role within their local communities. These views are not questioned, but the purpose of initiating these consultations was with regard to their viability in the future given the impact of falling numbers and finances, and the inevitable impact of this on any school, and its ability to sustain good standards with reducing resources.

- 62. The following sections of this report set out the summary of the responses to the consultation process for each of the 3 schools individually.
- 63. The full detailed responses submitted to each consultation are provided for Council and for public scrutiny at the Council Offices at Watling House, Dunstable and at Priory House, Monks Walk, Chicksands.

Brewers Hill Middle School

- 64. The original report to the Executive on 4 February 2014 was clear about the future viability of the school as being the main rationale supporting the consultation of the proposal to close the school. In addition to the issues raised through consultation that are common to all three consultations, addressed earlier in this report and through the FAQs, a number of issues were raised that are specific to Brewers Hill Middle School.
- 65. A consultation meeting was held with staff and Trade Union/Professional Association representatives on 25 February 2014, and with parents and other stakeholders on 4 March 2014. The second meeting was also attended by several staff. Consultees were advised that the process was not a referendum, and therefore it was important that in responding they gave the reasons for their views.
- 66. Appendix A to this report contains the Consultation document and notes of the staff and public meetings and provides a summary of the key issues arising along with answers given by officers attending the meetings.
- 67. Appendix D also contains a range of questions that were commonly asked throughout the consultations on each proposal, along with responses provided.
- 68. Appendix E provides a statistical analysis of the responses received by the Council within the consultation period. 291 responses were received of which 103 were received from pupils currently attending the school, and 55 were from parents of pupils currently attending the school. 60 responses were received from local residents.

69. The main points recorded by respondents who disagreed with the proposal to close the school related to:

The current Ofsted 'Good' rating of the school;
The good staff and resulting loss of good teaching and non teaching staff from the area;
The supportive, nurturing ethos of the school and more widely support for the three tier system;
The good facilities of the school in comparison with lower and primary schools;
Increased travel to access a local school;
Larger class sizes in other schools;
The good reputation and role within the local community that the school has;
Concern that the proposal will result in a reduction in choices for parents seeking a year 5 transfer to a middle school;
The need to retain school places as a result of housing development in the area;
The loss of provision for children with special educational needs and those from a disadvantaged background.

Some of these points are common to all 3 consultations, and therefore the Council's response to these are covered in sections 46 to 61 of this report.

70. Many respondents raised concerns at the potential loss of Brewers Hill Middle School, currently rated Good by Ofsted, with other schools in the area judged by Ofsted as 'requiring improvement' and not offering the same quality of education for local children. The Council made it clear throughout the consultation period that it recognised the quality of education currently being provided by the school. The main issue which initiated the consultation remains, which is the future viability of the school due to the reduction in pupil numbers and therefore the impact of this on the school's budget. This has direct implications on the future ability of the school to continue to provide a broad, balanced and appropriate curriculum to all pupils, and sustain good standards and improvement.
71. A number of respondents identified the specialist facilities such as science and art often supported by specialist teaching staff provided by a middle school in comparison with those in a lower or a primary school as of value in sustaining the middle school. These facilities are key to the current national curriculum at Key Stage 3 and are available in secondary schools in the area. The absence of such facilities in lower and primary schools in the area should not be regarded as a barrier to the appropriate delivery of the curriculum, teaching and learning of children at Key Stage 2. It was also highlighted in the consultation process that the reduction in pupil numbers and the impact of that on the school budget would place pressure on a school's ability to be able to continue to provide these resources. Some questions were also raised with regard to the playing field provision on the school site. The Council is committed to sustaining playing field provision on the school site which is shared with Creasey Park as part of a Community Football Centre in partnership with the Football Association and Dunstable Town Council.
72. Increased travel and traffic was recorded as grounds for objecting to the proposed closure. In reality the balance of local provision would be sustained in primary and secondary provision in the immediate area that will serve the local community, which would not impact on increased traffic.

73. Some respondents identified that there were larger class sizes in other schools, and they liked the smaller classes at the school. All schools are able to organise their classes, including class sizes, within the resources available to them. It may be that with reduced pupil numbers, and therefore a reduced budget from this September, the school cannot afford to continue to have classes of the size that they could afford previously.
74. Some respondents raised concerns at the potential loss of the school's current supporting ethos for children with special educational needs and disadvantaged children. The Council recognises the importance of this, but also recognises that all schools are required to make appropriate provision for those children who have SEN and are disadvantaged, and other schools serving the local catchment demographic are also recognised as having a similarly supportive ethos and good practice.
75. The main reasons recorded by respondents who agreed with the proposal to close the school related to:
- The lack of financial viability of the school.
The changed pattern of provision in the area and the lack of a role for middle schools as a result.
The potential to make Ashton Middle School viable by closing Streetfield and Brewers Hill Middle Schools.
76. Although two of these issues are aligned with the Council's own rationale for the proposals to close the school, the proposal of closing Streetfield and Brewers Hill Middle Schools to sustain Ashton Middle School is not. The level of parental demand for an option to sustain Ashton Middle School to enable continuation of a Year 5 transfer for parents has not been proven within the consultation and is not a proposal that has been brought forward by the school's Governing Body which has consulted on its own proposal to become a secondary school serving children aged 11-16, as referred to later in this report.
77. The Governing Body of Brewers Hill launched a consultation on 3 April 2014 on its intention to convert to Academy status in August 2014. The school's consultation document, attached at Appendix H to this report, also articulates a proposal to change the school's age range following successful conversion. The consultation ends on 15 May 2014. Although the school was previously granted an Academy Order by the DfE in December 2011 it has been required to reapply as a result of the delay in implementing the conversion, and the April consultation is part of the process required now by the DfE. The potential Academy conversion of the school will be determined by the DfE and not the Council. In considering the school's application for Academy conversion the DfE will consider the viability of the current school as a middle school, as it is required to convert in its current form and, if approved, subsequently apply to make any change in age range.

78. The proposed age range of the new academy is to eventually provide for an age range of 4 through to 18 years of age starting in September 2015. If the Academy conversion is approved, any subsequent application that the Academy makes to change its age range will be determined by the DfE and not by the Council. The DfE would require an application to make such a significant change to an Academy to be supported by a business case detailing the following:

The details of the change, including any potential issues/risks relating to the proposals (e.g. changes to the leadership, any foreseen adaptations, additions, refurbishments or land transfers needed), and evidence of demand;
When the change is to be implemented, and how (e.g. will it need to be done in stages);

The effect on other schools, academies and educational institutions within the local authority, and an overview of the responses to the consultation;

The degree of local authority support and what the academy has done in response to any consultation responses from them;

Any indicative costings and an indication of how these might be met, including how the change will be sustained in terms of capacity and value for money;

Any suggested changes to the admission arrangements;

Details of financial arrangements and confirmation that planning permission has been secured.

79. This level of detail is not provided within the current consultation document and it is therefore difficult to evaluate the school's ability to deliver such a proposal. However, the lack of demographic demand for places serving the 4 to 18 year age range is clear in the data provided in the 4 February 2014 report to the Executive.
80. The school's proposed implementation date of a change of age range from September 2015 is not achievable without School Adjudicator approval of a variation in existing admissions arrangements as the proposed change in age range represents a significant alteration to those already determined for 2015/16, in line with the legal obligations set out within the Admissions Code which Academies are also required to comply with.
81. Given that their consultation does not finish until 15 May 2014, the school is unlikely to receive a decision from the DfE prior to the Executive meeting on 27 May 2014. If the Executive made a decision to delay the publication of Statutory Notices pending a decision by the DfE, this delay in decision would impact on the Admission round for September 2015. The Council's Admissions Booklet for 2015/16 has to be published by the 12 September 2014 at the latest. If the Executive delayed the publication of statutory notices and the DfE reached a decision to approve the Academy Order during the summer term, Statutory Notices would not be required. If the DfE reached a decision to not approve the Academy Order, the delay in the publication of Statutory Notices would impact on the information required in the Admissions Booklet for 2015/2016. This could cause confusion for parents and carers. Alternatively, the Executive could make a decision to publish Statutory Notices, and then rescind these should the DfE approve the Academy order.

Streetfield Middle School

82. The original report to the Executive on 4 February 2014 was clear of the rationale supporting the consultation of the proposal to close the school. In addition to the issues raised through consultation that are common to all three consultations and have been addressed earlier in this report and through the FAQs, a number of issues were raised that are specific to Streetfield Middle School.
83. A consultation meeting was held with staff and Trade Union/Professional Association representatives on 26 February 2014, and with parents and other stakeholders on 5 March 2014. The second meeting was also attended by several staff. Consultees were advised that the process was not a referendum, and therefore it was important that in responding they gave the reasons for their views.
84. Appendix A to this report contains the notes of the staff and public meetings and provides a summary of the key issues arising along with answers given by officers attending the meetings.
85. Appendix D also contains a range of questions that were commonly asked throughout the consultations on each proposal, along with responses provided.
86. Appendix F provides a statistical analysis of the responses received by the Council within the consultation period. 220 responses were received of which 126 were received from parents of pupils currently attending the school. 35 responses were received from local residents.
87. The main reasons recorded by respondents who disagreed with the proposal to close the school related to:
- The school's good staff and facilities;
The school is a good school and provides a well balanced education;
Support for the three tier system and the support that the middle school provides for children who are not ready for a larger secondary school environment;
The need to retain school places as a result of housing development in the area;
Concern that the proposal will result in a reduction in choices for parents seeking a year 5 transfer to a middle school;
Concern that the school's SEN unit and overall good support for children with a statement of special educational needs will be lost.
- Some of these points are common to all 3 consultations, and therefore the Council's response to these are set out in sections 46 to 61 of this report.
88. The quality of education currently being provided by the school and its staff and facilities have not been identified as a key issue with regard to the proposed closure by the Council. The main issue remains which is the future viability of the school due to the reduction in pupil numbers and therefore the impact of this on the school's budget. This has direct implications on the future ability of the school to continue to provide a broad, balanced and appropriate curriculum to all pupils, and sustain improvement.

89. A number of respondents referred to the school's current Autistic Spectrum Disorder SEN Provision and concerns from parents whose children currently receive specialist support that this and the support provided within the mainstream provision would be lost as a result of the school's closure. The Council will be required to re-commission this provision if the closure of the school were to be approved. In doing so the Council would have regard to guidance and a specific SEN improvement test that must set out how the alternative arrangements are likely to lead to an improvement in the standard and quality of the provision. This would be subject to a separate consultation and statutory proposal which would ensure that parental representations are taken account of.
90. The main reasons recorded by respondents who agreed with the proposal to close the school related to:
- The lack of financial viability of the school.
The changed pattern of provision in the area and the lack of a role for middle schools as a result.
The potential to make Ashton Middle School viable by closing Streetfield and Brewers Hill Middle Schools.
91. Although two of these issues are aligned with the Council's own rationale for the proposals to close the school, the proposal of closing Streetfield and Brewers Hill Middle Schools to sustain Ashton Middle School is not. The level of parental demand for an option to sustain Ashton Middle School to enable continuation of a Year 5 transfer for parents has not been proven within the consultation and is not a proposal that has been brought forward by the school's Governing Body which has consulted on its own proposal to become a Secondary School serving children aged 11-16, as referred to in this report.
92. The Governing Body of Streetfield Middle School has developed a proposal as an alternative to closure to change age range and become a Primary School serving children aged 4 to 11, with a Nursery for children aged 6 months to 4 years of age, from September 2015. The school's consultation document and report are attached to this report at Appendix I. As a Community School, the Governing Body is unable in law to undertake a statutory consultation on this proposal and the exercise conducted thus far must therefore be considered to be informal at this stage. It is the Council's responsibility to determine the viability of the school's proposal and to decide whether it should be subject of statutory consultation or not.

93. The school's proposal has been considered and issues have been identified in a number of areas:
- A change in age range as proposed would increase the number of surplus places across the area from its current level of +17% across the Primary School age range, to 24%. There is no demographic demand for these additional places and they are not required by the Council in order to meet its legal obligations.
 - The consultation document refers to the proposal of a 2 form entry Primary school full to its admission number with 60 children in every year group, Year R through to Year 4 in September 2015. However, the school's report on the outcome of its initial consultation appears to indicate a level of support from parents and carers willing to transfer their children into the new year groups that is significantly lower.
 - The report is currently significantly lacking in detail on the required transitional arrangements in staffing, in curriculum planning and the financial implications of the proposed change in age range. This is particularly relevant given that the school currently has no experience of teaching the Early Years Foundation Stage or Key Stage 1.
 - The school's proposed implementation date of September 2015 is not achievable without School Adjudicator approval of a variation in existing admissions arrangements, as the proposed change in age range represents a significant alteration to those approved by the Council for 2015/16 which have already been determined, in line with the legal obligations set out within the Admissions Code.
 - If this proposal were to be approved subject to further consultation, statutory processes and an application for variation to the School's Adjudicator, there would be insufficient time to conclude the processes in time for publication within the Council's Admissions Booklet for 2015/16, which has to be published by the 12 September 2014 at the latest.
94. On the basis of the information outlined in paragraph 93 the school's proposal is not regarded as a viable alternative option, and therefore does not recommend that the proposal proceeds to be the subject of a statutory consultation.

Ashton Middle School

95. The original report to the Executive on 4 February 2014 was clear of the rationale supporting the consultation of the proposal to close the school. In addition to the issues raised through consultation that are common to all three consultations and have been addressed earlier in sections 46 to 61 of this report and through the FAQs, a number of issues were raised that are specific to Ashton Middle School.
96. A consultation meeting was held with staff and Trade Union/Professional Association representatives on 24 February 2014, and with parents and other stakeholders on 3 March 2014. The second meeting was also attended by several staff. Consultees were advised that the process was not a referendum, and therefore it was important that in responding they gave the reasons for their views.

97. Appendix C to this report contains the notes of the staff and public meetings and provides a summary of the key issues arising along with answers given by officers attending the meetings.
98. Appendix D also contains a range of questions that were commonly asked throughout the consultations on each proposal, along with responses provided.
99. Appendix G provides a statistical analysis of the responses received by the Council within the consultation period. 167 responses were received of which 71 were received from parents of pupils currently attending the school and 27 from parents of a child/children in another school. 26 responses were received from local residents.
100. The main reasons recorded by respondents who disagreed with the proposal to close the school related to:
- The history and heritage of the school and its location in the town.
The good reputation and role within the local community that the school has.
The positive experience of previous pupils at the school.
The school's Christian ethos and a concern at the loss of faith based places in the town.
Concern that the proposal will result in a reduction in choices for parents seeking a year 5 transfer to a middle school.
The resulting loss of good teaching and non teaching staff from the area.
The need to retain school places as a result of housing development in the area.
The supportive, nurturing ethos of the school and more widely support for the three tier system.
101. A number of respondents cited a loss of history and heritage to the town as a reason for not proceeding with the proposal. The building and the land are owned by the Ashton Foundation who will determine how it can continue to achieve its educational objectives and also the future use of the site if a decision was taken to close the school. Retaining the school for this reason would not address the issue of viability of the school in the future.
102. The reputation of the school, its role within the community and the education it provides have not been identified reasons for proposing closure. The main issue remains which is the future viability of the school due to the reduction in pupil numbers and therefore the impact of this on the school's budget. This has direct implications on the future ability of the school to continue to provide a broad, balanced and appropriate curriculum to all pupils, and sustain improvement.

103. The Christian ethos reflected in the curriculum delivered in C of E Voluntary Aided schools is provided in the Dunstable and Houghton Regis area by Manshead Upper School and by Ashton St Peters Lower School, both schools also within the Ashton Foundation. The change in age range of Ashton St Peters Voluntary Aided Lower School to become a primary school from September 2014 now provides an additional 30 places in each of Years 5 and 6. Likewise the change in age range of Manshead Upper School to become a secondary school from September 2014 now provides an additional 210 places in each of years 7 and 8, increasing the total capacity of the former upper school from 810 places with 300 Post 16 places, to 1050 places with 300 Post 16 places from September 2014. Thomas Whitehead primary School in Houghton Regis is also a C of E VA school providing 44 places per year group and therefore contributing to the faith based provision in the area. Crucially, these are places for parents who seek a faith based provision in schools that are financially viable.
104. The main reasons recorded by respondents who agreed with the proposal to close the school related to:
- Poor standards at Ashton Middle School, the findings of the recent Ofsted inspection and its current Ofsted rating.
The changed pattern of provision in the area and the lack of a role for middle schools as a result.
Falling rolls and reducing financial viability.
105. Although two of these issues are aligned with the Council's own rationale for the proposals to close the school the reference to poor standards and the current Ofsted rating of the school are not. The school was last subject to an Ofsted inspection in December 2013 with the report published in January 2014 and was judged as 'Requiring Improvement'. It is being supported to improve through the Council's School Intervention Strategy, and is due an HMI Monitoring Visit imminently.
106. A number of respondents to the consultation recorded support for the school to become an 11-16 secondary school as an alternative to closure. The proposal to change age range has been subject of a statutory consultation undertaken by the school's Governing Body. As a Voluntary School the Governing Body is legally able to propose this change and to undertake consultation required by regulation. The Council is decision maker for the proposal and as a result of timeframes required by regulation will be required to determine the outcome at the meeting of the Council's Executive on the 27 May 2014.
107. A separate report will be provided to the Council's Executive for the purpose of determining the school's proposal and 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 of Ashton C of E Voluntary Aided Middle school will have a right of appeal to the schools adjudicator if they disagree with the Council's final decision.

Conclusion

108. The responses to each of the consultations have not yet identified viable alternative options to closure for any of the 3 schools. The Council will agree with each school any assistance they require to support them in bringing forward a viable business plan to support alternative options.
109. As set out within the report, the DfE is responsible for considering Brewers Hill viability as a Middle School with regard to the proposal to become an Academy. If the DfE does approve the proposal to become an Academy, the school's consultation documentation does not currently provide sufficient detail to support the business case the DfE would require in order to subsequently approve the significant changes proposed. Paragraph 81 outlines the alternatives available to the Executive with regard to the publication of Statutory Notices
110. As set out within the report, there are currently significant issues with Streetfield Middle School's proposals which indicate that the proposal would still not be viable.
111. As set out within the report, as a C of E VA school, Ashton Middle School's proposal to become a secondary school will be considered as a separate report at the Executive on 27 May 2014.

Appendices: Please bring with you to the meeting the supplementary pack that was issued with the Children's Services Overview and Scrutiny Committee Agenda for their meeting on 7 May 2014 containing the Appendices to the Proposed School Closure for Brewers Hill, Streetfield and Ashton Middle Schools.

Appendix A – Council consultation document, frequently asked questions and notes of staff and public meetings held in relation to the proposal to close Brewers Hill Middle School

Appendix B – Council consultation document, frequently asked questions and notes of staff and public meetings held in relation to the proposal to close Streetfield Middle School

Appendix C – Council consultation document, frequently asked questions and notes of staff and public meetings held in relation to the proposal to close Ashton C of E Voluntary Aided Middle School

Appendix D – Frequently asked questions published on the Council's website

Appendix E – Analysis of responses in relation to the proposal to close Brewers Hill Middle School

Appendix F - Analysis of responses in relation to the proposal to close Streetfield Middle School

Appendix G - Analysis of responses in relation to the proposal to close Ashton C of E VA Middle School

Appendix H – Brewers Hill Middle School Academy conversion consultation document

Appendix I – Primary School proposal from the Governing Body of Streetfield Middle School (The Streetfield Lyceum)

Background Papers: (open to public inspection)

The Executive Report of 4 February 2014 seeking approval to initiate the first stage of consultations.

Full set of responses received to all 3 consultations is available from The Council Offices, Watling House, Dunstable and The Council Offices, Priory House, Chicksands, Shefford.