

DERBYSHIRE COUNTY COUNCIL

CABINET

24 May 2016

Report of the Strategic Director for Children's Services

**OUTCOME OF THE STATUTORY CONSULTATION ON PROPOSAL FOR
RE-ORGANISATION OF PRIMARY PHASE EDUCATION IN ASHBOURNE
(CHILDREN'S SERVICES)**

1. Purpose of Report

To report to Cabinet the outcome of the statutory consultation on the proposal for the re-organisation of the primary phase education in Ashbourne

2. Information and Analysis

During the four-week consultation period, one response was received. The issues raised in this response are detailed in this report together with the Local Authority's response and comment on each of them.

The response is an objection and includes the following statement:
"I am opposed to the reorganisation primarily as I don't believe the Council have fully understood the dynamics of population distribution and growth, school needs or the geography of Ashbourne. I also believe you have failed in your duties in only providing one plan and not consulting on other options which are clearly available."

Local Authority Response

A pre-publication consultation was held prior to this single plan being published as a statutory proposal for the re-organisation of primary education in Ashbourne. The pre-publication consultation elicited 10 responses, all of which supported the proposal and affirmed that this proposal was the option that schools and communities wished to pursue.

Transition from Infant to Junior School or Attendance at Primary School

The objection commented on the following extract from the Authority's proposal: *"A primary school is able to organise and co-ordinate the teaching across the primary phase, and there is no need for a transition between infant and junior schools; the transition from infant to junior can be unsettling for some children and impact on educational progress."* It claimed that the Authority's position may be correct but there are similar advantages from being able to focus on a narrower band of ages and for a number of children the transition is a beneficial life experience and helps to reduce stress at the year 6 stage. The statement should be backed by scientific evidence and not just the views of the Council.

Local Authority Response

The Local Authority has referred to a variety of educational research in Britain, Europe and the United States in asserting the general principle that primary education and not infant with transition to junior education has more benefits to children.

Travel Issues for Parents who continue to have children at different schools

The objection commented on the following extract from the Authority's proposal: *"As a consequence, parents may have children in two schools at separate locations within the town, presenting travel and time issues in getting children to school"* and claimed the current proposals do not necessarily mean that this will not continue to be an issue as a result of a fundamental failure to plan the places based on the current and future population levels and geographical distribution of this population.

Local Authority Response

It is the statutory duty of the Local Authority to plan sufficient school place provision for its existing and its potential school population. Financial contributions from housing developers have been secured to ensure additional primary school places can be created.

The current situation does not allow parents with infant and junior aged children to attend the same school. This will be possible in future and is one of the key benefits of the proposal. Responses from parents to the original consultation welcomed this aspect of the proposal. It is likely most parents will choose a single primary school for their families once the option becomes available.

Housing developments and their impact on schools

The objection commented on the following statement in the Authority's proposal? *"A number of housing developments are proposed for the Ashbourne area over the next 20 years which may increase the demand for primary places. All three of the proposed primary schools could expand to meet increased demand for pupil place provision."* The objector claimed this statement is factually misleading, as there are currently 2 new housing developments within the Hilltop catchment and others are in the planning process/passed through the process. The 20-year timetable is more realistically 5-10 years and as such the impact of this population growth should be accounted for. The planned admission number at Hilltop of 20 has been exceeded in recent years and therefore is not sustainable even without extra housing.

Local Authority Response

The Local Planning Authority, Derbyshire Dales is required to develop a housing strategy for the next twenty years, hence the reference to 20 years. The Authority will expand schools as necessary as demand rises. This proposal does not reduce the ability of the Authority to expand primary education in Ashbourne.

Traffic across Ashbourne

The objection took issue with the following statement in the Authority's proposal *"The existing arrangement increases the amount of traffic around the town, and is inefficient in terms of transport, time and sustainability for the environment."* The objector questioned whether the Authority had undertaken any formal research in this area. The objection claimed that the intake of 20 to Hilltop is likely to be exceeded leading to a need for children to attend the other 2 schools which would defeat the objective of reducing travel within the town.

Local Authority Response

At present all infant-aged children in the town must attend one of two infant schools. All junior aged children must attend the one junior school. In future, there will be three primary schools. As a consequence, parents will be able to make choices that result in less travel for their children, across all the primary years than they can do currently.

Development of Each of the Three Schools in Ashbourne

The objection commented that the Council is able to find £600,000 for this initial phase and a potential £1.3 million if both St Oswald's and Hilltop have to expand but questioned whether the buildings will be furnished appropriately.

Local Authority Response

Officers of the Local Authority have been working with each of the three schools on the details of the design brief for the new building requirements, including such issues as furniture and fittings as well as capital expansion and external development of the existing buildings and sites.

Educational impact

The objection claimed no assessment had been made regarding the following three points.

1. The training and skill changes required by staff who have been working with either years 0-2 or 3-6;
2. The impact of the first year intake year on always being the oldest in the school; and
3. The benefits that current year 3-6's gain at Parkside from integrating with pupils from a wider catchment."

Local Authority Response

Teacher training is for primary age range and as such the professionals working in all three schools have been trained across the whole 5 – 11 year age range. In addition, some staff in the current three schools will have primary experience in other locations. The three schools will need to assess the training needs of their staff as part of their planning for the implementation of this proposal.

The issue of 'always being the eldest in the school' during a transition phase is not judged sufficient to outweigh the other benefits of this proposal. In addition, Hill Top and St Oswald's may not increase their age range one year at a time. If there is sufficient demand from parents to do so, they may allow parents to move children between schools such that the Year 2 group affected would not 'always be the eldest in the school'. It is possible some parents may want to transfer older children between schools so as to be able to have all their children in the same school.

Bullying

The objection claimed primary schools are more likely to encounter bullying due to the wider age range and claimed that the narrower age range at infant and junior schools was a barrier to this.

Local Authority Response

The Authority has pointed to improved outcomes for primary schools as opposed to separate infant and junior schools. As bullying can be a serious impediment to pupil progress this would be unlikely if primary schools were more prone to bullying. The perception is that most bullying takes place between pupils of similar age.

Academisation Agenda

The objector asks whether, “given the proposed changes to schooling and Academy status, the Council is able to confirm it will have authority over the schools to make this change happen?”

Local Authority Response

The proposal is that the re-organisation of primary education in Ashbourne should be effective from September 2017. This is within the Government’s timescale for the Academisation of all schools which has a target of 2020 for all schools to be academies or to be negotiating to become an academy.

Summary

The objector concluded his objection with the following comments: *The fundamental question remains as to why the Council is so keen on this project when, particularly in the case of Hilltop, it is unlikely to make the environment or education better. The consultation as presented does not provide any significant support for the assertions made. I therefore don't believe this consultation is fit for purpose or in compliance with relevant legislation. Whilst we have been invited to 1 public meeting at Hilltop this was not surrounding this proposal and the Council seem reluctant to answer any questions from parents or the school. I assume that you will be holding a formal public meeting as part of this process? If you are not I require a written explanation from the Head of Education”.*

Local Authority Response

The Local Authority has been in discussion with the Head Teachers and Governors of each of the three infant and junior schools across Ashbourne for some time. It was because of the overall support of the three schools that the Local Authority opted to make this proposal.

The Local Authority has followed the detailed guidance of the Department of Education's statutory position as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014. A formal public meeting is no longer a requirement within the terms of this statutory guidance, but the Local Authority has remained available and ready to respond to all questions raised by the staff, parents, governors and all impacted by the proposals. There have been two rounds of consultation with significant expression of support. There has been only one objection to the proposal.

The admissions arrangements at the three schools will continue to be compliant with the School Admission Code.

3. Financial Considerations

Cabinet has received a report identifying the S106 agreements that have been agreed with developers. The totals represent the amounts that are estimated to be available for primary education. The actual receipt of this funding is dependent on the progress of the individual housing developments. In the event that sufficient funding has not been received to carry out the initial projects totaling an estimated £520,000, then short-term funding could be secured from the Children's Services Capital Programme 2016/17, and this will be subject to a further report to Cabinet.

4. Legal Considerations

This proposal is subject to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014. Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and the Local Authority to consult interested parties in developing their proposal prior to publication as part of a duty under public law to act rationally and take into account all relevant considerations. This 'pre-publication' consultation has been held and was reported to Cabinet on 2 February 2016. The comments received formed the basis of the statutory proposal that was published on 25 February 2016. This statutory

proposal was then subject to a 4-week formal consultation. The Local Authority is required to report the outcome of the formal consultation to Cabinet and a decision on the proposal must be made within a period of two months of the end of the representation period. If the proposal is approved, implementation must be as specified in the published statutory notice, subject to any modifications agreed by members.

In considering this proposal, Members must have regard to the Department for Education's 'Statutory Guidance for Decision-makers deciding prescribed alteration and establishment and discontinuance proposals' published in April 2016. Members will need to be satisfied that:

- An appropriate, fair and open local statutory consultation has been carried out and that the Local Authority has given full consideration to all the responses received.
- Any necessary funding required to implement the proposal will be available and that all relevant local parties have given their agreement. A proposal cannot be approved conditionally upon funding being made available.
- Assumptions have not been made that schools should be of a certain size to be good schools.
- The schools can provide suitable outdoor space to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.
- Consideration has been given to:
 - the quality and diversity of schools in the relevant area and whether the proposals will meet or affect the needs of parents, raise local standards and narrow attainment gaps.
 - admission applications and arrangement. Before approving the proposal, Members should confirm that the admission arrangements of the school are fully compliant with the School Admissions Code.
 - accessibility planning. The proposed changes should not adversely impact on disadvantaged groups. The proposal should be considered on the basis of how it will support and

contribute to the Local Authority's duty to promote the use of sustainable travel and transport to school.

- the extent to which the proposal is consistent with the Department for Education's policy on Academisation.
- the community served by the schools, the views of different sections within the community and the impact on community cohesion

Within one week of making a decision, the Local Authority must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to the Schools Adjudicator, the governing bodies, any trustees of the schools, the local Church of England diocese, the local Roman Catholic diocese and any other body that they think is appropriate. Within this same time period, the Local Authority should make the necessary changes to the schools records in the Department for Education's EduBase system.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered – prevention of crime and disorder, health, human rights, human resources, environmental, transport, and property considerations.

6. Key Decision

Yes

7. Call-in

Is it required that the Call-in period be waived in respect of the decisions being proposed within this report? No.

8. Background Papers

A file is held in the Children's Services Development Team office which holds information on the responses to the initial consultation, and on the response to this consultation, together with the reports of 3 November 2015 and of 2 February 2016.

Statutory Guidance for 'Decision-makers deciding prescribed alteration and establishment and discontinuance proposals' published in April 2016.

9. Strategic Director's Recommendation

9.1 That the response to the publication of the statutory notice on the re-organisation of primary education in Ashbourne be noted; and

9.2 That Cabinet approves the re-organisation of primary education in Ashbourne to create three primary schools serving a single shared normal area.

Jane Parfremment, Strategic Director for Children's Services