

Appendix 1

Pre-Statutory Consultation on the Potential Closure of Penhill Primary School, and the Expansion of the Swindon Academy to include Penhill Primary School

CABINET

Date: 23rd January 2008

Author: Cabinet Member for Children's Services and Group Director, Children

Parish / Wards Affected: Penhill

Purpose

- To set out the arrangements for pre-statutory consultation with parents, staff and governors about proposals to 'amalgamate' Penhill Primary School with the Swindon Academy, by formally closing Penhill Primary School, and expanding the Swindon Academy to include an additional primary element, the present Penhill Primary School

Recommendation

Cabinet is requested to

- Subject to approval from the Department from Children, Schools and Families (DCSF), and appropriate funding being identified, authorise the Group Director, Children to consult with the parents, staff and governors of Penhill Primary School on linked proposals to close Penhill Primary School and incorporate it into the Swindon Academy in the existing school buildings from September 2008 and to report back to the Cabinet on the outcome of this consultation.

1. Reasons

It is proposed to close Penhill School in order to 'amalgamate' Penhill Primary School with the Swindon Academy.

- 1.1. If the proposal to move to consultation is approved The United Learning Trust will carry out a coincidental consultation on the expansion of the Swindon Academy to include Penhill Primary School from September 2008 and report back to Cabinet on this.
- 1.2 It is considered that there is a range of benefits for pupils, parents and staff of the proposal to amalgamate Penhill School with the Swindon Academy. These were set out in the report presented to Cabinet on 31st October 2007, requesting permission to submit an Expression of Interest to the Department for Children, Schools and Families (DCSF) to expand the Swindon Academy.

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- 1.3 An Expression of Interest is lodged with the DCSF asking them to confirm that they are content with Swindon Borough Council moving to consultation on this proposal. The consultation will only move ahead if the response from the DCFS is positive.
- 1.4 Pre-statutory consultations are, therefore, proposed with all relevant stakeholders, including governors, staff, parents and the Penhill Forum, subject to DCSF approval.
- 2. Detail**
- 2.1 Penhill Primary School is a community school attended by children who come from a predominantly white British background. Entitlement to Free School Meals is above both the national and Swindon average and individual pupil postcode data places the population of the school in the upper quartile boundary for deprivation. The school has failed to meet the floor targets for pupils reaching the expected level in literacy and maths at age 11 for five years in a row, and is on the DCSF list of 226 schools nationally which are judged 'hard to shift'.
- 2.2 The Local Authority believes that amalgamating Penhill Primary School with the Swindon Academy would strengthen the capacity of the school to sustain improvements. It would improve curriculum continuity and make progression from Key Stage 2 to Key Stage 3 easier for pupils. It would also allow greater flexibility in the use of resources.
- 2.2 The Department for Children, Schools and Families (DCSF) describes five key stages in making changes to schools. These are:
- Consultation (pre-statutory)
 - Publication
 - Representation Period (statutory)
 - Decision
 - Implementation
- 2.3 The six 'school week' pre-statutory consultation period of the process will include meetings with the parents, staff and governors of Penhill Primary School and the Swindon Academy. Once the views of the interested parties have been received a further report will be presented to Cabinet on the outcome of the consultation.
- 2.4 Ward Councillors for the Penhill ward have been consulted. Councillor David Glaholm's comments are as follows:

'I support anything that leads to an improvement in opportunities for the children.'

Further information on the subject of this report can be obtained from Martin Coles on 01793 465744 or Email mcoles@swindon.gov.uk.

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I hope the Academy will open up the facility to the wider community particularly in the evenings.

There must be consultation with the Penhill Forum on this proposal as well as parents.'

Alternative Options

The Local Authority could take the decision:

- To close Penhill School - school place planning means this option is not viable i.e. there are not sufficient places in neighbouring schools for displaced pupils.
- To continue to support Penhill with substantial additional resource and advice. This strategy has been in place for the last two years, and is not sustainable.
- To federate or amalgamate Penhill with a neighbouring community school. There are no suitable schools in the close vicinity.

Risk Management

Financial and Procurement Implications

- The capital implications of the proposal will have to be contained within the resourcing limits approved by Council in the 4-year Capital Programme. If there is a requirement to target capital money to this project, the current approved capital programme will need to be re-prioritised accordingly.
- The costs of publishing statutory proposals are contained within the School Organisation Budget.
- When schools amalgamate, all staff are guaranteed transfer under TUPE arrangements. There is always a risk of redundancies arising from the existing management teams, though this is not anticipated in this case. The Schools' Forum have accepted a principle that, where there are proven savings against schools block budgets, it is not unreasonable for them to accept any such redundancy costs associated with the amalgamation. However, there is always risk that SBC core funds may be called upon if the Schools' Forum do not agree with the savings and associated costs position.
- The capital costs of any appropriate building alterations required would be developed and reported to Cabinet in conjunction with the outcome of the pre-statutory consultation.
- Potential funding sources for capital investment may include the receipt arising from the disposal of any surplus site area, use of Schools Formula Capital, and a capital grant from the DCSF.

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Legal / Human Rights Implications

- Any statutory proposals relating to Penhill Primary School are subject to the relevant provisions in the School Standards and Framework Act 1998. Under those provisions, the Council is required to consult with interested persons prior to making a decision of publishing proposals to open, significantly alter, or close a school. If there are any objections to proposals that are published they will be referred to a further Cabinet for decision.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- The recommendations are in line with Swindon 2010 Promise 20.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- Ward councillors for Penhill Ward have been consulted on the contents of this report.

Background Papers and Appendices

- None

Key Decision / Decision in Forward Plan

- This is a key decision for Cabinet and has been included in the Cabinet Forward Plan for January 2008