

RESPONSES TO KEY ISSUES RAISED

Set out below are the responses of the Local Authority to a number of the key issues raised during the consultation period for this proposal:

Key issues raised	Local Authority responses
<p>Pupil attainment/standards at Penhill Primary School are improving and the last Ofsted report reflected this.</p>	<p>Penhill Primary School is on the DCSF list of 266 'hard to shift' primary schools in England, out of approximately 17,000 primaries nationally. The school has failed to meet the floor target at Key Stage 2 in both English & Maths for the last five years, despite being supported by a Local Authority Task Group and a School Improvement Action Plan. This has also been disappointing for the Local Authority as support provided in similar circumstances elsewhere has generally been effective.</p> <p>Standards of pupil attainment at the end of 2007 were inadequate and well below the national average, although overall pupils made satisfactory progress. The Ofsted inspection in September 2007 judged that achievement overall across the school was satisfactory, although performance was not consistent and varied across year groups and subjects, and 'many pupils struggle to reach the expected level for their age'. Out of the 27 areas graded by Ofsted, 23 received a grade 3 (broadly average to below average), two received a grade 2 (generally above average— healthy lifestyles and safe practices) and two a grade 4 (exceptionally low – the standards reached by learners, and the attendance of learners). It received no grade '1's.</p> <p>Based on the 2007 key stage 2 SAT results, Penhill is 48th out of 52 primary schools on the contextual value added measure, and 52nd out of 52 for average point scores. This year (2008) 47% of Penhill pupils reached the expected level in English, down from 62% last year. 62% reached the expected level in Maths, up from 44% last year. The Government's floor level for these targets is 65% of pupils reaching the expected level. This means that the school has failed to meet this floor level for six years running. Further details are set out in paragraphs 1.2, 1.3 and 2.5 of the report and in the consultation documents (Appendices 1 and 2).</p>
<p>The Academy was only established in September 2007 and it is too early to judge its results or success</p>	<p>The indicators so far are that the Academy is having a strong impact on standards and pupil attainment. At key stage 2 this year (2008), 56% of pupils reached the expected level in maths compared to 42% last year, and in reading, 73% reached the expected level compared to 50% last year. At key stage 3, there have been improvements in English this year from 53% of pupils</p>

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	<p>meeting the expected level, to 65%. In addition, Maths is up from 44% to 55% and Science is up from 48% to 51%. At key stage 4 in the last two years the % attaining 5 A*- Cs including English and Maths has moved for 5% to 20% (and from 9% to 24% not including Maths and English).</p> <p>The developing educational plans of the Academy suggest that it will break out from the traditional year group structures and move towards working with vertically organised systems, where the needs of the individual learner can be more readily met and personalised. Students will be progressed according to the 'stage' they are at in their development rather than their chronological age. Such a development could make it more difficult for the current Penhill Primary School pupils to integrate into the Academy when they move at age 11. Being within the Academy will therefore help to remove or reduce a number of the transition issues between primary and secondary, which traditionally is when pupil performance dips – accepting of course that Penhill pupils would remain on a separate site. Further details are set out in paragraph 2.5 of the report and in the consultation documents.</p>
<p>What is there to stop ULT walking away / What could the LA do?</p>	<p>There is a legally binding agreement between ULT and the DCSF that ensures continuity of provision for the duration of the agreement. In the unlikely event that ULT decided that they longer wished to continue with the agreement, there is a 7 year notice period that has to be given that would have to be supported by a procedure to transfer, in theory, back to the LA.</p>
<p>Moving from Community to Trust Status would be a better option for the school in terms of raising standards and pupil attainment</p>	<p>Trust status for some schools may be an appropriate way forward as a Trust partner, such as a local business or educational institution, may be able to help to drive up standards and give a school renewed impetus. However, these advantages are already set up at the Academy, which has close links to Honda, and Marlborough School, and is building partnerships also with others stakeholders in the borough, such as the FE colleges.</p> <p>It is considered that a separate Trust arrangement, would not offer the pupils of Penhill Primary School a sufficient step change to significantly improve standards. As already stated, Penhill is on the DCSF list of 'hard to shift' primary schools, and the DCSF requires the Local Authority to take decisive action. The challenges that the school faces are very significant and have persisted for a number of years. The Local Authority considers</p>

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	that an immediate structural solution is required, and that inclusion within the Academy would enable a significant and sustainable shift for Penhill pupils that a Trust arrangement would be less likely to offer. See also 'Alternative Options' in the body of the report.
If Penhill Primary School became part of the Academy, pupils would be 'lost' in such a large school	If Penhill Primary School became part of the Academy, it would remain on its present site and continue to be fully integrated into the local Penhill Community. Although part of a larger school, it is considered that this would not 'feel' the case. The Academy focuses on personalised learning and care for pupils as individuals, and this would apply equally to those pupils based in the new Pinehurst building when it opens in 2009/10. Pupils at Penhill would remain on their own site but would have the advantage of having access to state of the art facilities available in the Pinehurst building. The ULT consultation document provides further details – Appendix 2.
Pupils with SEN, of which there are a substantial number at Penhill, would not receive the same level of care or support in the Academy	<p>ULT, who run the Academy, place a strong emphasis on support for pupils with SEN and have stated that this would continue to be a high priority if Penhill became part of the Academy. As already mentioned, the Academy has a student focused approach which is designed to meet the needs of each individual. The highest priority within the Academy's admissions criteria is 'children with statements of SEN where the Academy is named on the statement'.</p> <p>The Academy already has 50% of students on the SEN register and is therefore very experienced at dealing with SEN students. Their Special Educational Needs Co-ordinator (SENCo) was previously the lead SENCo for the whole borough. The Academy are also about to employ their own Educational Psychologist, and they have a large Inclusion Team with the breadth of expertise necessary to deal with a wide range of special needs, something that is not available in a primary school. See Appendix 2.</p>
Will funding still be available for building refurbishment work if the proposal does not proceed?	<p>The refurbishment of Penhill Primary School is recognised as a high priority. There have been many demands on the Council's Capital resources over recent years, and funding has had to be targeted, particularly at those schools with accommodation in the poorest condition.</p> <p>It is estimated that up to £2.3 million may be required to refurbish and remodel the school if it becomes part of the Academy. If the proposal does not proceed, the work remains a high priority with a strong case to implement improvements, but it is for Cabinet to determine how</p>

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	funding is allocated to all major capital schemes, including at Penhill. Further details of the proposed improvements to the accommodation are included in the ULT consultation document (Appendix 2).
Will the school stay on the existing Penhill site or will it be moved elsewhere?	It will stay on the existing Penhill site within the Penhill community and will not be moved. As already mentioned elsewhere, it is intended to refurbish and remodel the accommodation to bring it up a satisfactory standard. Appendix 2 provides details of the proposed work. The existing transport arrangements would also stay the same.
Penhill Primary School is part of the local community. There are concerns that this would change if it became part of the Academy.	<p>As stated in the ULT consultation document (Appendix 2), there is a very strong emphasis placed on community involvement. ULT have made clear that the Penhill site and buildings will serve the community of Penhill. It will support regeneration initiatives and will be a facility for the whole community to use.</p> <p>It is intended that the Penhill site will offer a range of facilities to the community including extended school activities, a youth service provision and access to ICT and business facilities, which would all be subject to a Community Use Agreement between the Council and ULT. There will also be close links established with other schools, the colleges and local employers. In addition, there are two Local Authority representatives on the Academy Governing Body – the Lead Cabinet Member for Children and the Group Director Children. Further details are set out in the ULT consultation document – Appendix 2</p>
Will the school remain open 24/7 to community and youth groups?	The youth provision will not be open 24/7. It is the intention to only allow access to the provision outside of normal school hours. The extended use of the school will be subject to a Community Use Agreement that ULT, the Council, and Community groups will have to agree to.
Will all staff in Penhill Primary School transfer to the Academy or will jobs be at risk?	All staff, including the headteacher, will have the right to transfer their employment to the Academy under the provision of the Transfer of Undertakings (Protection of Employment) Regulations 2006. The Regulations are designed to protect the rights of employees in a transfer situation. Both the Borough and ULT would undertake a full consultation with staff and union representatives in relation to the TUPE process. Whilst pension arrangements are not included under the TUPE Regulations, staff will continue to be able to contribute to the Teachers Pensions and the Local Government Pension Scheme. The ULT consultation document (Appendix 2) provides further details.
Once the school is under ULT	The lease that is negotiated with the Council is

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ownership what is there to stop them selling off land for housing?	provisioned such that ULT are only able to assign the lease to another party for exactly the same use as intended in the lease. This stops them from selling the land in part or whole
Does the Academy have the right to change its admissions policy?	<p>The Academy is responsible for setting its own admissions policy. If included as part of the Academy, the policy will be amended to reflect the existing ULT admissions policy from January 2009.</p> <p>The Academy's arrangements are required to follow the national School Admissions Code and the Local Authority has the right to object to the School's Adjudicator if they feel the admissions policy is unfair.</p>
Would Penhill become a Faith school if it became part of the Academy? Who is ULT responsible to?	<p>Swindon Academy is not a Faith school but it does promote a Christian ethos. In ULT's consultation document (Appendix 2), they state that: 'ULT hopes and expects that its ethos can be accepted by people of all faiths and none'.</p> <p>ULT is a registered charity. Swindon Academy, which is run by ULT, is a state (not private) school and is responsible to the Department of Children, Schools and Families, who fund it directly. It is subject to Ofsted Inspections like any other school.</p>
The consultation process did not provide a proper opportunity for people to express their views, or to obtain answers	<p>There was a thorough and extensive consultation process carried out which lasted 6 weeks, from 1 June until 14 July. Approximately 3500 households in Penhill and other stakeholders were sent the Local Authority's and ULT's consultation documents (Appendices 1 and 2). Five 'formal' consultation meetings were then held over 9 and 12 June at Penhill Primary School – see paragraphs 2.7 –2.9 of the main report. In each case, presentations were made initially to explain the proposal as fully as possible, and these were followed by a Q and A session and an opportunity to put forward views/comments. Representatives of the Local Authority, ULT, DJB and Swindon Academy attended each of these sessions and gave as full an answer as possible to each question. The open offer of further consultation meetings was made for staff, parents, governors or others, although none were received.</p> <p>A summary of the key issues raised at these meetings and breakdown of the 357 response forms received is set out in Appendix 3. Responses from Penhill Governing Body, trades unions and Swindon Academy are attached to Appendix 3. Copies of response forms, the petition</p>

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	<p>and other more detailed background information is available in the Members Room and will be available for Cabinet at the meeting.</p> <p>A separate and extensive consultation exercise was carried by DJB, independent consultants appointed by ULT. A summary of the results is set out in Appendix 4 and the full report will be available in September.</p>