

REPORT TO:	CABINET - 16 JULY 2007
AGENDA ITEM:	13
SUBJECT:	THE FUTURE OF COULSDON HIGH SCHOOL
LEAD OFFICER:	PETER WYLIE, DIRECTOR FOR CHILDREN, YOUNG PEOPLE & LEARNERS
CABINET MEMBER:	CLLR MARIA GATLAND, CABINET MEMBER FOR CHILDREN'S SERVICES & ADULT LEARNING
WARDS:	COULSDON EAST AND COULSDON WEST
CORPORATE PRIORITY/POLICY CONTEXT:	
Providing a sense of community.	
FINANCIAL SUMMARY:	
The creation of a sixth form at the school may require a capital contribution from the council.	
FORWARD PLAN KEY DECISION REFERENCE NO.: not a key executive decision	

For general release

1. RECOMMENDATIONS

- 1.1 The Cabinet are recommended to authorise the Director for Children, Young People and Learners to consult with parents, staff, governors and other relevant stakeholders over the possibility of Coulsdon High School becoming a City Academy from 1 September 2008
- 1.2 That the General Purposes Cabinet Committee be authorised to deal with all matters relating to this recommendation and if advised, following consultation, to select the preferred sponsor for the Academy.
- 1.3 That the expectations about the nature of the Academy set out in this report be adopted.

2. EXECUTIVE SUMMARY

- 2.1 Coulsdon High School went into special measures when inspected by Ofsted in February 2006. Since that time the school has been monitored by Ofsted and has been making initially satisfactory and now is making good progress.
- 2.2 For the GCSE results for the summer of 2006 the school was in the bottom 100 secondary schools nationally for 'value added'- the amount of progress children should make compared with the progress they did make. These results were very disappointing indeed.
- 2.3 In September 2005 there were 86 Croydon families who placed the school as their first preference and 87 who placed it second. For September 2007 only 40 Croydon families placed the school as first preference and 42 as second preference. The school currently expects 111 students in Year 7 in September 2007.
- 2.4 The Council has a responsibility to ensure that the pattern of schools in the area meets the needs of the community and the aspirations of parents. Although the community of Coulsdon is large enough to sustain a secondary school, the current school is not attracting enough parents from the local community to be viable, and the school going into special measures is now affecting the perceptions of parents from further away. In such circumstances the Council has to consider the future of the school. There are 2 broad options- to close the school completely, or to take measures to ensure that the school can recover its standing with parents.
- 2.5 Although there are more than enough places in Croydon schools to accommodate all the secondary pupils wishing to attend schools in the borough, the other secondary schools around Coulsdon do not have sufficient space to accommodate all the pupils in the school and therefore if the school closed for the foreseeable future the Coulsdon community would have to rely on schools outside Croydon for secondary education. Given the scale of housing development over the Surrey boundary that could well create significant problems. The school on its own seems unlikely to be able to recover the confidence of local parents quickly enough for viability to be restored. Therefore it is recommended that the Council consult on the future of the school, with particular reference to the school becoming a City Academy, and a City Academy which is an integral part of the local family of schools, that gives complete priority to pupils at local primary schools, and that has strong links with other educational institutions and organisations.

3. DETAIL

- 3.1 When a school goes into special measures, the Council and the Department for Education and Skills [DfES], are required to consider the future of the school. If DfES Ministers think that the Council's plans will not return the school to full effectiveness within 12 months, they have the reserve power to direct the Council to close the school, to federate the school with another more successful school, to close the school and create a new City Academy, or to close the school altogether.

- 3.2 When Coulsdon High went into special measures the governors, the management team, the staff, the former Education Department and London Challenge [the DfES team which supports London schools] focussed their efforts on improving teaching and learning, management and leadership and pupil attainment. These improvements are now starting to take effect and the most recent Ofsted monitoring visit was the most positive yet. This is a tribute to the seriousness with which the school and its partners have taken the situation and the efforts that have been put in to the necessary remedial actions. There is still a long way to go, but overall the position is much improved.
- 3.3 These improvements have not yet however had any impact on parental preferences. The school should be admitting 5 forms of entry each year [180 pupils]. The number of first and second preferences has halved over the last 3 years and parents are now using other schools both within and beyond Croydon in preference to Coulsdon. This means that the school is in serious danger of becoming educationally and financially unviable. The school is one of the smallest secondary schools in the borough and with historically a socially advantaged intake, it has not been one of our top funded schools. The school has been in and out of financial deficit over recent years which means that it does not have significant financial reserves to allow it to sustain staffing levels during a drop in pupil numbers.
- 3.4 There are 3 broad options; to create a federation with another more successful school, to close the school altogether, or to close the school and open a new City Academy. Officers and senior members have of course been in close touch with officials and ministers in the DfES and with the Office of the Schools Commissioner who has oversight of the pattern of secondary education in England. Current legislation creates the expectation that a school will come out of special measures within 12 months or close. The school has now been in special measures for 12 months and although not yet out of special measures, it is likely that the Ofsted visit in late September will make that decision.
- 3.5 Experience elsewhere, however, indicates that restoring parental confidence after a period in special measures can take a significant length of time, especially where there are other schools easily available. The Council has therefore been asked to consider changing the nature of the school. The option of federation has been reviewed but federations are voluntary associations between schools and can be revoked by either partner at any time. They can be time consuming to establish and usually but not always leave the schools involved with separate identities. There must therefore be a question about whether a federation, however illustrious the partner institution, would create enough of a sense of visible change fast enough to impact on parental perceptions to sustain the school.
- 3.6 Although there are enough places overall in Croydon secondary schools as long as the present pattern of parental preference continues, neighbouring schools are sustaining their numbers and there is significant house building over the Surrey border. The schools which parents are preferring to Coulsdon High at the moment- Woodcote High, Warlingham High and the selective schools in Sutton- are all becoming more popular and to rely on them to be able to provide enough places for all the pupils from Coulsdon could lead to difficulties in the future. So

the option of complete closure could lead to a situation where the community of Coulsdon did not have effective access to secondary schooling. In making any change, it is important that the Council takes measures to mitigate the impact on other schools. There is a risk that a resurgent Coulsdon High could have a negative impact not just on local secondary schools, but more broadly across the system. The Council's objective must be to create a school that appeals to local families so that the school becomes once again the school of choice for pupils in the primary schools in Coulsdon rather than continuing to attract pupils from across the borough. The admissions criteria for any reformed school are therefore of key importance.

- 3.7 It is for those reasons that the option of creating a City Academy on the Coulsdon site should be explored. City Academies are independent schools in the public sector; they are sponsored either by an individual, by companies, by the churches and by charitable trusts. They have to abide by the Admissions Code of Practice and by the SEN Code of Practice. The Funding Agreement (a model contract provided by the DfES), which is agreed between the sponsor, the council and the DfES, sets out what their specialism might be, what part they will play in the local family of schools, what their admissions criteria will be and what the broad curriculum arrangements will be. Academies are usually 11-19 schools. They have proved popular with parents. The new Harris South Norwood Academy was heavily over- subscribed as was the new Church of England Academy in Merton. It is usual for the current pupils to transfer to the new Academy and all current staff have the right to transfer to the new Academy through the TUPE process.
- 3.8 Very informal discussions indicate that there are 3 possible sponsors interested in sponsoring an Academy taking over from Coulsdon High School. The Council, in consultation with DfES and the Office of the Schools Commissioner, is responsible for selecting the sponsor and the potential sponsor will of course be part of the formal consultation process about the future of the school. In making that selection it is important that the Council has clear criteria for selecting the sponsor. The Council could have only one seat on the Governing Body so it is vital that the kind of Academy needed for the local area is embedded in the Funding Agreement. It is recommended that a Cabinet Sub Committee be established to meet with potential sponsors and to select the preferred sponsor.
- 3.9 The key criteria ought to be:
- That the sponsor has a clear vision for the future of the school and an outline plan for how the school will recover parental confidence
 - That the sponsor can demonstrate the capacity to take over the school from September 2008
 - That the sponsor can demonstrate an understanding of the needs of the Coulsdon community
 - That the admissions arrangements for the school, in addition to the statutory priority groups of looked after children and those with SEN statements, give priority to pupils attending local primary schools in Coulsdon
 - That the sponsor commits the school to continue to take a full part in local school cluster arrangements, that the school will be part of the new Local Delivery Partnership linking schools, social services and health services, and that the school will continue to be part of the 14-19 cluster arrangements

- That the sponsor is able to demonstrate a track record of successful provision of school services, including the capacity to intervene in case of poor performance
- That the sponsor is able to demonstrate a track record of partnership working with other schools and other educational organisations- for example higher education, schools of different types, private sector partners.

3.10 The legal framework for creating an Academy is the same as for any other change to the organisation of schools although since the school is in special measures, some of the timescales are shorter. The Council is required formally to consult with the school affected, governors, staff, parents, with other local schools whether they will be affected or not, with the statutory consultees, local MPs, the churches, other local councils and schools outside Croydon within a defined distance. That consultation period lasts for at least 6 weeks in the case of a school in special measures, the Cabinet then considers the outcome of the consultation and decides whether to issue a formal notice to change the status of the school and there is then a period for further responses to the proposal. The Council then decides whether to implement the change. There are however some statutory consultees who can refer the matter to the Schools Adjudicator. These include the Learning and Skills Council, the local Churches diocese and the Governors of a Foundation or Voluntary Aided School. Coulsdon High is a Foundation School.

3.11 The extent of any refurbishment to the school will be the subject of discussion with the Sponsor and the DfES. Under the new framework for Academies it is for the Council to commission and carry out any building work with the DfES providing a grant to cover an agreed element of the costs. Any costs beyond the agreed cash limit have to be met by the council. The sponsor still has to make a financial contribution to the school but this can be spread over the life of the school. If the school were to be 11-19, post 16 facilities would have to be built at a probable cost of some £5.5m-£6m; the DfES are likely to contribute some £5m to such a project.

3.12 As a result of very significant staff savings with the former Education Department, the Director does not believe that the Department can carry out the consultation exercise or the detailed negotiations with DfES and the sponsor within current staffing levels. It is his view that additional expertise is needed to support this project and the DfES have exceptionally agreed to fund the council's costs.

3.13 Without radical change, there is a high probability that Coulsdon High School will become educationally and financially unviable within 2 years. The Council has a statutory duty to intervene where parental and community aspirations are not being met by the school system and this is a clear case where significant intervention to achieve change is both desirable and necessary.

4. CONSULTATION

4.1 The Governors of the school, the staff, the parents and staff associations have been informed that this report is being considered by the Cabinet this evening. There is a statutory consultation procedure for school closure and changes to

school organisation. The Council will be following that procedure when the consultation process begins in September 2007.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The consultation process and the negotiation of the funding agreement is likely to cost the council around £100,000 in staff time and legal costs. The DfES have indicated that they will meet the Council's costs for this project. The Council will be responsible for commissioning and carrying out any capital works. The school building has been surveyed recently as part of Building Schools for the Future and is recommended for refurbishment as part of that programme rather than complete rebuild. Any post 16 facilities will have to be newly built and the likely cost will be in the region of £5.5m to £6m for which there will be a grant of some £5m. However there will need to be a complete programme of refurbishment carried out and there will need to be negotiations with DfES and the sponsor about the scale and extent of the programme and about how its costs can be contained within the DfES capital grant for the project.

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2007/08 £'000	2008/09 £'000	2009/10 £'000	2010/11 £'000
Revenue Budget available				
Expenditure	3,214	3,214	3,214	3,214
Income				
Effect of decision from report				
Expenditure	(3,214)	(3,214)	(3,214)	(3,214)
Income				
Remaining budget	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Capital Budget available				
Expenditure	99	99	99	99
Effect of decision from report				
Expenditure	(99)	(99)	(99)	(99)
Remaining budget	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

The above budget is the current 2007/08 budget for Coulsdon High School. Schools budgets are contained within the Schools block and the Dedicated Schools Grant (DSG), a ring fenced Government grant. The funding of this grant is driven by pupil numbers. The grant that Croydon receives for Schools is based on the number of pupils in the school. If there is a move towards an Academy and Coulsdon High closes the funding will follow the

pupils. Croydon would not attract any funding for children attending the Academy.

Funding from core budgets would not be affected.

5.2 **The effect of the decision**

The decision could have implications for the capital programme of the Council. This would have to be contained within any CYPL capital allocation in future years.

5.3 **Risks**

The principal risk is that the DfES capital grant is not sufficient to meet the costs of any building programme. If the admissions criteria are not agreed there could be reductions in pupil numbers at other schools which could impact on their budgets but not on the Council's budget.

5.4 **Options**

The objective must be to restore the school to educational and financial viability. Becoming an Academy is the best of the options to achieve that. If the school were to become financially unviable it would have to reduce staff and the Council would have a residual liability for any redundancy costs- those could be considerably more than the costs of any contribution to the capital programme.

(Approved by: David Bradshaw, Department Head of Finance)

6. **COMMENTS OF THE COUNCIL SECRETARY AND SOLICITOR**

6.1 The Solicitor to the Council comments that the LEA has a legal duty to secure sufficient and suitable school places for children within the Croydon area. Government policy and legislation aims to foster greater innovation relating to school organisation by allowing new arrangements for establishing secondary schools. Academies are a major component of government policy in its promotion of an increasing diversity of education provision.

Statutory provisions place upon the LEA a duty to consult interested parties about the proposed closure of a school and linked arrangements. Ongoing legal advice will be need to be sought about the consultation process as failure to comply may be held by the courts to render an action or decision ultra vires or void.

It is also advised that specialist legal advice will need to be sought, in due course, on the proposals and process of selecting a sponsor and the setting up of an Academy.

6.2 (Approved by: J Harris Baker, Lawyer on behalf of the Council Secretary & Solicitor)

7. **HUMAN RESOURCES IMPACT**

7.1 Coulsdon High is a Foundation school so the Governors employ all the staff of the school. If an Academy is created, staff will have the right of transfer under TUPE on their current terms and conditions and Academies are admitted bodies to the Local Government Pension Scheme and the Teachers' Pension Scheme so the effect of the change will be neutral for the Council. If the school was to become less viable, staff redundancies would be very likely and the Council as 'employer of last resort' might have some liability for those costs.

7.2 (Approved by: Robert Laban, Head of HR Consultancy, on behalf of the Divisional Director, Human Resources & Organisational Development)

8. CUSTOMER IMPACT

8.1 The Council has a key objective to ensure that Croydon schools are the first choice for Croydon parents. That is not the case with Coulsdon High School at this point and the Council needs to consult with local people about how to achieve that objective in the Coulsdon community.

9. EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 The Council is required by law to ensure that its school system meets the needs and aspirations of all members of its community. Good schools are key to ensuring that children reach their potential and become successful, happy and prosperous adults. Coulsdon High in recent years has not been meeting that standard and change is therefore needed in the interests of all the children in the school and in the area.

10. ENVIRONMENTAL AND DESIGN IMPACT

10.1 Coulsdon High is on the edge of the Green Belt and any new building or refurbishment will be subject to planning requirements including the incorporation of any necessary sustainability requirements.

10.2 Currently many of the students at the school travel from across Croydon- a minority live close to the school. Students from the area use schools elsewhere in Croydon, in Warlingham, and in Sutton. If the school were better used by local families there would be a significant reduction in home to school travel.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 Young people attending school can have a disruptive impact on a neighbourhood. If more of the young people from the local area attend the school they are likely to be more considerate of other members of the local community and to be more respectful of the needs of the area.

12. RISK ASSESSMENT

- 12.1 The fact that the school is in special measures is a risk to the Council's reputation and if the Council is seen not to be using its powers to review the situation that too is a risk to our reputation for sound governance.
- 12.2 If the school becomes unviable there are potential financial risks to the Council in terms of redundancy costs.
- 12.3 If the school does improve as an Academy there is a risk that it will change the balance of parental preference to the detriment of other schools.
- 12.4 The negotiations with the DfES and the Sponsor can be used to ensure that the school gives priority to local children thus reducing the risks to other schools.

13. Human Rights impact

- 13.1 Any new Academy will have to follow both the Admissions Code of Practice and the SEN Code of Practice; it will be expected to accommodate all the pupils from the existing school; and the staff from the existing school will transfer under TUPE. The human rights of those affected by this proposal will therefore be safeguarded.

14 Data Protection and Freedom of Information considerations

- 14.1 All schools have to be compliant with Data Protection and FOI legislation.. The information contained in this report will be accessible as part of the Council's Publication Scheme, maintained under the FOI Act. Information held by the Council, supporting the report may also be accessible under the Act, subject to any relevant exemptions.

CONTACT OFFICER: Peter Wylie, Director for Children, Young People & Learners

BACKGROUND DOCUMENTS: Ofsted Report on the school
Ofsted Monitoring visit reports
Pan London coordinated admissions records .