

**EXTRAORDINARY MEETING
EDUCATION AND YOUNG PEOPLE SERVICES
CABINET COMMITTEE**

Tuesday, 22nd April, 2014

10.00 am

**Darent Room, Sessions House,
County Hall, Maidstone**



AGENDA

EDUCATION AND YOUNG PEOPLE SERVICES CABINET COMMITTEE

Tuesday, 22 April 2014 at 10.00 am

Ask for: **Christine Singh**
Ext: 4334

Darent Room, Sessions House, County Hall,
Maidstone

Telephone:

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (16)

Conservative (8): Mr M A C Balfour, Mrs P T Cole, Mrs M E Crabtree, Mr S C Manion,
Mr M J Northey, Mr J M Ozog, Mr L B Ridings, MBE and
Mrs P A V Stockell

UKIP (2) Mr L Burgess and Mr T L Shonk

Labour (2) Mr G Cowan and Mr W Scobie

Liberal Democrat (1) Mr M J Vye

Church
Representatives (3): Mr D Brunning, Mr Q Roper and Mr A Tear

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

A1 Introduction/Webcasting

A2 Substitutes

A3 Election of Chairman

A4 Election of Vice Chairman

A5 Declarations of Members' Interest relating to items on today's Agenda

To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which it refers and the nature of the interest being declared

A6 Future Meeting Dates 2014

Wednesday, 23 July

Wednesday 24 September

Tuesday 16 December

(All meetings will commence at 10.00 in the Darent meeting room)

A7 Introduction to the new Cabinet Committee

Terms of Reference as agreed by County Council on 27 March 2014

To be responsible for those functions that fall within the Education and Young People Services Directorate

The three divisions within the Education and Young People Services Directorate are:

- Education Quality and Standards
- Planning and Access
- Early Help and Preventative Services

B. Key or Significant Cabinet/Cabinet Member Decision(s) for Recommendation or Endorsement

B1 Decision Number: 14/00039 - Proposed Closure of Chaucer Technology School, Canterbury (Pages 7 - 26)

To receive a report by the Corporate Director on the proposal to close Chaucer Technology School, Canterbury, for all year groups except the current Year 10 from 31 August 2014. Part of the school would remain operational until August 2015 to enable year 10 pupils to complete their GCSE courses.

*(For Item B1 the Chairman has used his discretionary powers to allow a maximum of two members of the public to speak; one for and one against, the proposal to close Chaucer Technology School. Any member of the public wishing to speak must register with the Democratic Services Officer by no later than **12 noon on Monday, 21 April**. Each registered speaker has three minutes in which to address the Cabinet Committee).*

B2 Decision Number: 14/00040 - New Primary School at Knights Park, Tunbridge Wells (Pages 27 - 34)

To receive a report by the Corporate Director of Education and Young People Services that sets out the need for a new school at the Knights Park development, Tunbridge Wells; the associated financial implications and Academy presumption process followed by KCC which is aligned to the Academy/Free School Presumption Guidance 2013.

C. Other items for comment/recommendation to the Leader/Cabinet Member/Cabinet or officers

C1 Post 16 Transport Policy (Pages 35 - 48)

To receive a report by the Cabinet Member for Education and Health Reform and Corporate Director for Education and Young People Services that sets out the proposed Post 16 Transport Policy to enable the LA to meet its statutory duty in relation to transport for Post 16 learners.

C2 Recruitment of Local Authority Governors (Pages 49 - 66)

To receive a report by the Cabinet Member for Education and Health Reform and the Corporate Director for Education and Young People Services on the proposed actions the local authority will take to comply with the new governance regulations to be introduced in September 2014, and September 2015, with regard to local authority governors

C3 DfE Consultation "Fairer funding in schools 2015/16" (Pages 67 - 72)

To receive a report by the Director, School Resources that gives an update on the consultation on new National Funding Formula for Schools, in particular, the announced that £350m of additional funding would be made available in the Dedicated Schools Grant (DSG) to schools in those authorities who were not being 'fairly funded'.

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

10 April 2014

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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From: **Patrick Leeson, Corporate Director for Education, Learning and Skills**

To: **Education and Young People Services Cabinet Committee – 22 April 2014**

Subject: **Decision Number: 14/00039 Proposed Closure of Chaucer Technology School**

Classification: **Unrestricted**

Past Pathway of Paper: Education Cabinet Committee – 14 March 2014 – Cabinet Member verbal update

Future Pathway of Paper: Cabinet Member decision

Electoral Division: Canterbury

Summary: It is proposed to close Chaucer Technology School for all year groups except the current Year 10 from 31 August 2014. Part of the school would remain operational until August 2015 to enable year 10 pupils to complete their GCSE courses.

Recommendation(s):

The Education and Young People Services Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Health Reform on the decision to:

- (i) Issue a public notice to close Chaucer Technology School for all year groups except the current Year 10 from 31 August 2014 and to close the school permanently from 31 August 2015.

And, following the issuing of the Public Notice and subject to consideration of objections:

- (ii) Close the School for all year groups except the current Year 10 from 31 August 2014 and to close the school permanently from 31 August 2015. .

Should objections, not already considered by the cabinet member when taking this decision, be received during the notice period a separate decision will be required in order to continue the proposal and to allow for proper consideration of the points raised.

1. Introduction

- 1.1 Chaucer Technology School is a non-selective co-educational Foundation School in Canterbury with a Published Admission Number of 150 pupils in each year group for September 2014

- 1.2 The school has become less popular with parents and following a poor Ofsted inspection there has been a significant reduction in the number of pupils attending Chaucer Technology School. The number of pupils entering the school has been decreasing each year - with 77 pupils currently in Year 8, 56 in Year 7 and only 41 pupils offered places at the school for Year 7 in September 2014 (see table below). Therefore there would only be approximately 442 pupils on roll in September 2014 in Years 7 to 11.

	Year 7	Year 8	Year 9	Year 10	Year 11	Total
2013-14	56	77	112	156	135	536
2014-15	41	56	77	112	156	442

- 1.3 The school has an admission capacity of 1090 pupils for Years 7-11 and therefore would be operating with 61% surplus capacity in September 2014 if it were to remain open.
- 1.4 Schools receive funding based on pupil numbers and the decline in numbers at Chaucer Technology School has resulted in a corresponding decline in funds available to the school. The school has a sizeable budget deficit of £350,000 and this is projected to rise to £600,000 next year. This deficit has arisen despite significant action during the past year to reduce costs. The declining school budget will be insufficient to sustain the current staffing levels, and the necessary reductions in staffing will impact on the curriculum and the quality of education provided to the pupils. Therefore a viable secondary school curriculum could not be provided for pupils in future.
- 1.5 Some of the school buildings are in a poor condition and although Kent County Council has allocated large sums of money for improving the buildings, much more is required to make the accommodation suitable. It is also the case that the benefit of such investment for pupils would be minimal if a viable curriculum could not be sustained. Some work will be undertaken to address Health and Safety issues and ensure the site can operate for the current Year 10 pupils from September 2014 to August 2015
- 1.6 If Chaucer Technology School closes from September 2014, apart from provision for the current Year 10 pupils, there will still be sufficient school places for all pupils in the Canterbury District. There will be 1,138 Year 7 places available at non-selective schools in the Canterbury District for the 1082 Year 7 pupils forecast for September 2014. This includes the additional capacity being provided by Canterbury Academy, giving sufficient operating capacity of 5% surplus school places in the district for 2014/15. The number of Year 7 pupils in the Canterbury District is forecast to rise slightly from 1082 in 2014 to 1151 in 2020. If Chaucer Technology School is closed, sufficient capacity can be created in other schools in the district until at least the year 2022.
- 1.7 The school was inspected by Ofsted in March 2013 and was judged to be 'inadequate' and requiring 'special measures'. The Local Authority commissioned the Swale Academies Trust in July 2013 to assume responsibility for leading the improvements at the school. Recent GCSE results

show that there has been an improvement in attainment. Her Majesty's School Inspectors and the Local Authority have recognised that the school has been improving well and making good progress under the leadership of the Swale Academies Trust over recent months and these improvements are projected to continue.

- 1.8 However there is a significant risk to school standards and pupil outcomes if the school remains open. As the number of pupils and the level of funding reduce, further cuts in staffing will be required, which in turn will result in severe restrictions on curriculum delivery and the quality of education. The school is not viable in the future.
- 1.9 The decline in pupil numbers and the corresponding reduction in funding available to the school will make it impossible to sustain the improvements recognised in recent monitoring visits by HMI and the Local Authority.
- 1.10 Students in Years 7, 8 and 9 have been offered alternative school places and almost all 236 have accepted a place in an alternative school. There are 2 pupils who have not accepted the place offered and are looking at alternative provision. Pupils are being provided with new uniforms free of charge by the local authority and transport to their new school will be allocated where appropriate. Nearly all the pupils have either already started at alternative schools or will do so on the 22nd April 2014.
- 1.11 Action has been taken to secure the staff required to operate the school and provide a good quality curriculum for the current Year 10 students to enable them to complete their GCSE courses next year on the Chaucer site. Of the 157 pupils on roll at the start of the academic year 19 pupils have moved to alternative schools with 138 remaining in Year 10.
- 1.12 Chaucer Technology School has been working with all Year 11 students to ensure they are able to continue their post 16 education in a local school or college. Some students are still considering their options which may be subject to their GCSE results.
- 1.13 There are 39 Year 12 students and also 12 Year 13 students studying AS and A levels. The Local Authority carried out a matching exercise with post 16 providers locally and has identified suitable alternative providers who can deliver the relevant courses for all these students. Some of the students will have a choice of providers that match their current studies. A parent and student evening was held and attended by the potential receiving schools, where students/parents had the opportunity to discuss and agree continued study with potential providers. All Year 12 students from Chaucer Technology School have been offered suitable courses in alternative schools or colleges for September 2014.
- 1.14 A summary of placements by year group is attached in Appendix 1.

2. Financial Implications

- 2.1 The national changes to school funding that were implemented in April 2013 reduced all local authority funding formula to a very limited number of factors (10 in our case) and moved the funding to the position where more than 90% of

a school budget is now based upon pupil numbers compared to an average of 71% in 2012/13. The significant decline in pupil numbers at Chaucer Technology School has therefore resulted in a more significant decline in its revenue funding as a result. More than ever before the financial viability of a school hinges on its pupil numbers.

- 2.2 The budget for Chaucer Technology School (excluding Post 16) is £3.7m in 2013/14 and that falls to £2.7m in 2014/15 because of the reduction in pupil numbers. If closure was not being considered we would face a major issue in 2015/16 where the budget for the school is likely to fall below £1m. The school is currently forecast to end 2013/14 with a deficit of over £0.3m (revenue and capital) which is expected to grow to over £0.6m in 2014/15 rising to more than £2m in 2015/16. This, coupled with the continuing fall in the roll, is not a financially viable position for any school. That level of funding and deficit would not allow the school to deliver the required curriculum and quality of education.
- 2.3 In January 2013 the Acting Principal of Chaucer Technology School took appropriate action to address the budget pressures through a significant reduction in staffing. This is likely to have brought the budget back under control on the basis of what was known about pupil numbers at that time. What could not have been anticipated when those savings measures were implemented was the scale of the continuing fall in the roll which has now resulted in an untenable financial position.

Revenue

- 2.4 The financial implications of closure are set out below. Most of the costs will have to be met from the Schools Block of the DSG (Dedicated Schools Grant) so the majority of additional costs (most of which are one-off in nature) will not fall to KCC but it will put some pressure on our DSG funding in 2014/15 and 2015/16. The DSG will have to absorb the one-off cost of the deficit left when the school closes. We are currently developing a model budget to take the school through to closure in August 2015 so a definitive figure is not available. However, with all the changes taking place from September 2014 we anticipate being able to reduce the projected 2015/16 deficit so the likely cost will be in the region of £1.5m.
- 2.5 It should be noted that had the school proceeded with the planned Academy conversion proposed by the DfE in 2013, we would still have incurred the cost of the deficit. Schools converting under the sponsored Academy model leave their deficit behind with the local authority. The Schools Block of the DSG will also have to meet some one-off costs that will be incurred by those schools taking on the current Chaucer Technology School pupils from September 2014. This is still to be quantified with the schools concerned but we anticipate the cost will be in the region of £1m. The schools will get additional funding in future years for those pupils through the normal formula budget process. There will be costs in respect of staffing, primarily redundancy payments as well as some additional cost on Home to School Transport. Again, it is unlikely that these costs can be quantified until later. There will also be costs relating to closing of parts of the site during the academic year 2014/15 and securing the site following closure in August 2015.

Capital

- 2.6 As with revenue there will be a capital deficit to be absorbed but this is much smaller than the revenue and may be less than £0.1m at the point of closure. The major capital issue relates to the future of the 22 acre site. At this stage there are no plans for the site as our focus is on providing support for the existing pupils and staff through to closure in August 2015. There are clearly a range of options that can be explored as to the future use of the site but until options are developed it is not possible to quantify the scale of any potential costs or receipts.

3 Human Resources Implications

- 3.1 A 30 day formal consultation period for staff commenced on 24 March 2014. This was opened with a consultation meeting attended by staff, Trade Unions, LA Representative, the Executive Principal and HR. Staff were provided with a copy of the indicative Redundancy Timeline, Public Consultation document on the proposal to close the Chaucer Technology School and a Question and Answer sheet in response to queries that had been raised at earlier staff meetings. As part of the consultation process formal one to one meetings with staff have started and will be completed by 4 April 2014. Responses to the formal consultation process are to be received by 24 April 2014.
- 3.2 A number of staff have been selected to cover the curriculum for Year 11 in 2014/2015, subject to the proposal for closure being approved. They will therefore have their redundancy deferred. A retention allowance will be paid to ensure that Year 11 students receive continuity of education and secure the best possible outcomes with their GCSE courses. A number of the remaining staff members have secured alternative employment and others are being supported in looking for other positions. Those that do not secure other posts will be made redundant on 31 August 2014, subject to the proposal being agreed.

4. Property Implications

- 4.1 The Chaucer school site will remain operational until August 2015. It will then revert to the Local Authority's ownership and will be held for educational purposes within KCC's Property portfolio. Further analysis of future need will be undertaken to inform whether any part of the site can be disposed of or made available for alternative use.
- 4.2 Work will be undertaken to ensure the site can operate safely until final closure in August 2015.
- 4.3 Consultation is taking place with other users of the site to inform decisions around longer term use.

5 Bold Steps for Kent and Policy Framework

- 5.1 These proposals will help to secure our ambition "to ensure every child will go to a good school where they make good progress and can have fair access to school places" as set out in 'Bold Steps for Kent'.

6. Consultation Outcomes

- 6.1 A total of 28 written responses were received: 25 objecting to the proposal and 3 respondents undecided.
- 6.2 A summary of the comments received at the time of writing is provided at Appendix 2.
- 6.3 A summary of the views and comments given at the public consultation meeting is attached at Appendix 3.
- 6.4 An e-petition was received stating “ this is important as the work that the teachers and students have put in to keep this school open is just phenomenal. This school does not deserve to close as it outperforms other schools, the education is very good and behaviour is incredible. Stop the council’s rampant behaviour and keep the school open. It could make a difference to all the students that know and love Chaucer and what it stands for”- it attracted 522 signatures.

7. Views

- 7.1 Having attended the recent public meeting and heard the School’s proposals, Local Member Michael Northey provided the following comments:

‘I was very sad to hear the proposal to close Chaucer Technology School and needed a lot of convincing that this is the correct way forward. However, with only 26 pupils choosing it as their first option for September 2014, and only just over 40 in total placing it as either first, second or third choices – with over 120 places available per year, it is hard to see how the school can remain viable. A secondary school needs at least 120 pupils per year to remain operational, and to give the students proper choices. The running deficit is now £600,000 per year, so it is with great reluctance, I find the case to close the school difficult to rebut. What matters is the good education for all pupils and the school can no longer provide this. I am glad to see that students currently in Year 10 will be able to finish their GCSE courses there, and that all older pupils have a personal plan for their future in other institutions. It is vital that each existing pupil is offered a local alternative school at least as good or better than the current Chaucer School is able to be.’

- 7.2 The Area Education Officer states that the current situation is sadly untenable, with Chaucer Technology School facing further challenge to make good enough provision for its students due to the financial pressures over the last few years. Many efforts have been made to secure the future of the school with robust action taken to address the budget situation and with the leadership of Swale Academy Trust making considerable improvements in pupil outcomes. However this has not translated into increased pupil numbers and the tipping-point for viability has now been reached.

8. Recommendation(s)

Recommendation(s): The Education and Young People Services Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Health Reform on the decision to:

- (iii) Issue a public notice to close Chaucer Technology School for all year groups except the current Year 10 from 31 August 2014 and to close the school permanently from 31 August 2015.

And, following the issuing of the Public Notice and subject to consideration of objections:

- (iv) Close the School for all year groups except the current Year 10 from 31 August 2014 and to close the school permanently from 31 August 2015.

Should objections, not already considered by the cabinet member when taking this decision, be received during the notice period a separate decision will be required in order to continue the proposal and to allow for proper consideration of the points raised.

10. Background Documents

10.1 Bold Steps for Kent and Policy Framework

http://www.kent.gov.uk/your_council/priorities_policies_and_plans/priorities_and_plans/bold_steps_for_kent.aspx

10.2 Kent Commissioning Plan for Education Provision 2013-2018

<https://democracy.kent.gov.uk/documents/s43253/ItemD3KentEducationCommissioningPlan20132018final.pdf>

10.3 Education Cabinet Committee report– 14 March Minutes – Cabinet Member and Corporate Director Verbal Update

10.4 Consultation Document and Equalities Impact Assessment

<http://consultations.kent.gov.uk/consult.ti/Chaucer/consultationHome>

10.5 Education Cabinet Committee minutes: Cabinet Member for Education and Health Reform Verbal Update – 14 March 2014

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=746&MId=5471&Ver=4>

10.6 County council questions (number 4)

<https://democracy.kent.gov.uk/documents/s45777/Question%20and%20Answers.pdf>

11. Contact details

Report Author

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Relevant Director:

- Kevin Shovelton`
- Director of Education Planning and Access
- 01622 694174
- Kevin.shovelton@kent.gov.uk

Chaucer School – Pupil allocations as at 7 April 2014

Yr 6 Pupils - 41 pupils were offered a place in Year 7 for September 2014 all will be offered places at alternative schools on 23 April 2014.

Current year 7 – 9 pupils - Please see schedule below which gives details of places offered

School	Yr 7	Yr 8	Yr 9	Total
Abbey	3	6	2	11
Archbishops	3	1	11	15
Astor			1	1
Brockhill	1	1	2	4
Canterbury Academy	3	7	7	17
Clarendon			1	1
Comm Coll Whitstable	8	5	9	22
Dover Christchurch	1	6	1	8
Folkestone Academy			1	1
Fulston Manor		1		1
Herne Bay High		5		5
King Ethelbert			2	2
Maplesden Noakes			1	1
North		1	1	2
Pent Valley	1		1	2
Pru Placement			1	1
Sandwich Tech	1		2	3
Simon Langton Girls	1			1
Sittingbourne Community College			1	1
Spires	19	31	37	87
St Anselms	11	9	20	40
Towers	1	2	4	7
Westlands	1			1
Not accepted/appeals lodged	0	1	1	2
Total	54	76	106	236

Current Year 10 pupils - 138 pupils are remaining at the school to complete their GCSE course in YR11, 19 pupils have moved to alternative schools

Current Year 11 Pupils - Chaucer Technology School have been working with all Years 11 students to ensure they are able, to continue their education in a local school or college. Some students are still considering their options which may be subject to their GCSE results

Current Year 12/13 Pupils – There are 39 Year 12 and 12 Year 13 students, all of whom have been found a possible solution in Canterbury Schools and some will have a choice of providers that match their current studies.

Appendix 2

Proposed Closure of Chaucer Technology School Summary of written responses

Consultation documents (hard copies) distributed: 500
Responses received: 28

	Support	Against	Undecided	Total
Parents/Carers		17	1	18
Governors				
Pupils		2		2
Members of Staff				
Interested Parties		6	2	8
Total		25	3	28

Against the proposal

- Parents need a firm commitment in writing on proposals for year 10 pupils, with a guarantee on staff, subjects, streaming, environment, library, ICT, behaviour management and canteen facilities.
- Closure damaging to years 10/11 pupils and will reflect in GCSE results. KCC should compensate them.
- Concern about alternative schools offered, siblings must be allocated places at the same school. Allocated schools must be local to home address and parents offered support in finding places. KCC proposals to limit bus pass travel means it is essential schools should be near the home address. Allocations should have been made on educational grounds reflecting a child's current streaming. Split 60% schools where performance below that of Chaucer, 30% to equally performing schools and 10% to local grammar schools
- School has good mid table level results, allocated schools have lower results. Children's continued education will be hindered and damaged by the move to a school with poorer results
- Devastated that school is closing, support given to eldest child has been fantastic and she has flourished in a good honest school. Pastoral care very good and classes not unruly, school supportive to pupils both educationally and emotionally.
- With the right management, policies and good governance the school could perform a vital role in local education provision.
- Closure process appalling. Own children doing brilliantly academically and they are distraught school is closing. Happy with school, and friends. Transport is too costly so will have to drive children to school
- Children who are settled are being forced to move schools and attend schools parents did not choose for them. The move will be detrimental to their child's education
- Chaucer is the best and most suitable place to continue A Level studies. Closure will cause disruption to A level course, do not want to move to another establishment. How will KCC facilitate completion of A Level courses, resources must be made available. It is unfair that Yr 10 pupils are staying to complete their GCSE courses. The move will cause stress and could mean that A level students have to retake year 12. Situation could be avoided if students are allowed to continue their education at the school.

- School has always played an important role in educating Canterbury children, providing good education.
- School let down by previous leadership and management, action should have been taken sooner.
- There has been significant recent improvement and standards are now good and the school is on track to have good exam results. The school should be allowed to continue with progress being made and then confidence and popularity would return.
- Choice of schools limited because of faith and grammar schools. The birth rate is rising and future housing could mean there are not enough places in Canterbury in the future children may be bussed out of Canterbury.
- SEN support is good, school has inclusive policies and SEN staff are committed to the children
- Will the site be sold and if so building developments will mean school places are needed where will all the children go?
- New housing will mean more schools are needed in the future.
- Closure would be disruptive for local families and could lead to isolation of vulnerable families; it has been a safe haven for young people.
- Moves to alternative school will mean new uniform which is expensive
- Sorry for the staff
- Why close when improvements to the roof have already cost £300K and will cost more than helping with the budget deficit.
- A federation with another school should be considered.
- Alternative provision will result in increase transport costs.
- Other schools should not have been able to take additional pupils.
- Site provides accommodation for community projects, can KCC offer support, when do they have to leave?
- The school should have the best staff at all times so that improvement can continue and the general public made aware of improvements that have been made
- The decision is already made and the school will close no matter what evidence is presented to support keeping it open. The site should be retained as a school with improved facilities and where necessary improved and re-built prior to re-opening in the very near future when it will undoubtedly be needed to serve the growing local community.
- While I understand the pure economics of the current situation it is my belief that the school on the existing site in one format or another is well worth saving and that the increasing and proposed growth of the community will without doubt need the school. Chaucer Technology has the potential to once again be an excellent school
- It is a very short sighted decision that fails to take into consideration local secondary school requirements beyond the next 5 years. It does not appear to take into consideration the numbers of new homes planned for the Howe Barracks site (up to 500 homes), the Canterbury Local District Plan for South Canterbury (4,000 new homes) or the slightly longer term the proposals for the K&C Hospital site (up to 810 homes).
- Any budget would be better spent improving the school to service the needs of the increased population rather than closing it. If Chaucer does permanently close then this will leave the south of the city where the majority of the new homes will be located with only one non-selective option, pupils will have to travel across the city leading to even more congestion in an already grid-locked city.

- If Barton Court moves to Herne Bay it should be a satellite grammar to the existing school enabling a joint 6th form with Chaucer. Chaucer was once the Boys selective technical school if part of Barton Court moves could the remainder of the school and Chaucer join to become one school which could offer both selective and non-selective streams.
- A partnership between Chaucer school and the city council to fund a joint facility for the new home and training facilities for Canterbury City Football club should be considered.
- The decline of the school should have been spotted much sooner Why was the drop in pupil numbers not seen sooner and rectified? By 2008 the school was reported as satisfactory and went down from that point onwards, why was this not adequately addressed
- The whole process of the announcement of the proposed closure has been extremely distressing for the staff and much more importantly the pupils. It has been miss-managed and very poorly executed leaving many parents in despair
- The pupil achievement rates over the past 12 months were showing significant improvements with results now higher than a number of the schools where former Chaucer students are being re-assigned places. The school should be given the time, help, support and assistance to carry on with their good work in rectifying the problems
- The school has a sizeable budget deficit why was it sending out a message of great hope regarding the improvements and longer term stability of the school as recently as February 2014 following significant investment in heating systems, roof repairs and then a week later announcing the closure of the school
- The rumour Christchurch University has links with the KCC and it has already been agreed that they would take over elements of the site
- The school in one format or another is well worth saving and the community needs the school. The school most certainly does have the potential to once again be an excellent school and a flagship for the community. I only hope that the KCC listen to the local community and do not take the quick fix financial windfall to sell off the school assets to plug some other KCC financial shortfalls elsewhere

Undecided

- Concern that at closure resources of the music dept are not sold to cover the deficit. Some were donated by the public and they should move to the nearest Kent County Council school.
- Press article published before parents were told meant children were unprepared
- Not a simple yes or no. Needs clarification on commitment and guarantee of quality provision for Year 10 pupils. Has keeping one year at a school ever happened before

**Proposed Closure of Chaucer Technology School
Public Consultation Meeting – 17 March 2014**

Panel

Mr Leyland Ridings	Chair of Education Cabinet Committee
Mr Patrick Leeson	Corporate Director, ELS
Mr Kevin Shovelton	Director Education Planning & Access
Mr Jonathan Whitcombe	Executive Principal, Swale Academies Trust

In Attendance

Mrs Marisa White	Area Education Officer (East Kent)
Mrs Anne Davies	Public Meeting Recorder

The meeting was chaired by Mr Leyland Ridings and was attended by approximately 60 people including parents, pupils, staff and other interested parties. Mr Michael Northey the Local Member also attended the meeting

Kevin Shovelton gave a short presentation outlining the proposal for closure. Leyland Ridings explained that the purpose of the meeting was to explain the reasons for the closure of Chaucer Technology School and to give the audience an opportunity to ask questions about the proposals and to listen to views and opinions about the proposal.

The main points, views and comments are listed below:

Issues Raised	Responses from Patrick Leeson, Kevin Shovelton and Jonathan Whitcombe
There should have been a consultation so that parents could choose the alternative school they wanted. The majority of children want to stay at the school many do not want the school they have been offered. Parents are already pulling their children out because they are dissatisfied	KCC has to offer alternative places and spoke to local schools so that children could be allocated schools as near as possible to their home. Following individual discussions with parents if a place at a school didn't make sense and where possible we have made changes
Difficult position for Yr 10 students	We have set out to ensure that Y10 are protected in terms of completing their GCSE's and remain on the school site being taught by good teachers and under the control and direction of Swale Academies Trust to complete GCSE courses. I believe that is the best outcome for them
Why should we believe KCC about being committed to quality provision?	Every effort will be made to ensure that youngsters will have good outcomes with good GCSE results. They are being taught well and making good progress. The pupils will remain on site, we have entered into discussions with Swale Academies Trust about what is required,

	financially and otherwise to maintain provision for the Y10 pupils and I give you my guarantee that the pupils will be taught on this site until they complete their GCSE courses.
What is the current status of Y6 parents? Children were allocated Chaucer, where are they going now?	The announcement and decision on closure coincided within 3 or 4 days of the allocation of Y6 pupils to start in secondary schools in 2014. It was impossible to offer alternative places right away. All parents have received separate letters explaining the situation the school was in and we will offer alternative places through the reallocation process
Y12 students who are coming to the end of the first year of their A levels should be allowed to stay in school like the first year GCSE students to protect continuity of their courses and the stability of their education for the second year of their course.	For the students to get the best possible provision, we have worked with other local partners to safeguard their chances. Discussions have taken place with local providers to make sure those students' needs are safeguarded. The students are better served being educated elsewhere. We will provide 1:1 discussions to ensure provision will continue.
Whilst first preference numbers for year 7 are low with 2nd preferences there would have been a significant increase in the number quoted	There is significant surplus capacity in other Canterbury schools proving. Even counting 1st and 2nd choices for this school, it doesn't make the school viable for the future
Previously this was an excellent school but went downhill from 2006. People have failed the community the staff and the students. Why did the school drop the grammar stream, this affected popularity who made the decision? Did you notice that these numbers had declined over the past few years	The history of the school is clearly one of a steady decline, which should have been responded to. I am unable to say why the grammar stream was dropped. When I came to Kent I noticed this school was declining and we took action with the governing body and current management to help bring about necessary improvements. Some improvements were made but the pace of improvements was not enough
It would cost £6M to close the school KCC should inject that money to develop the school. Are KCC going to make available the financial documents that support a recovery plan and the cost of actually closing the school? Will the financial projections be shared?	Yes, it costs money to close the school but it's a one-off cost. For the school to have a future is a year- on-year cost. I agree that these school buildings have needed attention for some time, but it's not possible to move capital funding into revenue funding to keep the school going. It is not sustainable to keep the school open. The financial projections for the school are incredibly bleak. The costs of closing the school are not comparable to the figures of continuing to run it. Yes the financial details will be shared in writing.
Why close an improving school the numbers would have improved next year. It is short sighted to close the school.	The school is expecting good exam results by the end of this year, however it does not guarantee the numbers, which are draining away, and finance to allow the school to continue to operate.

<p>The Ofsted monitoring letter from 14th November 2013 stated: "LA officers have committed to recommend to Members the underwriting of the schools budgetary deficit in order to expedite matters. At the time of this visit, officials from the DfE await confirmation of this commitment in writing".</p>	<p>That was true at the time of writing. Up until recently we were prepared to help the school forward with the deficit arrangement but the drop in pupil numbers is serious and we have no other option.</p>
<p>Why did KCC Ofsted inspectors take so long to establish that the school was failing when they should have done something about it sooner? Why was action not taken sooner by KCC.</p>	<p>Ofsted inspectors are not part of KCC. Ofsted inspected the school in 2011 and found it to be inadequate. The usual interval time is 3 years Ofsted makes its own decisions on inspections. When the school failed its inspection, the DfE wanted it to become an Academy sponsored by an external provider. The LA cannot take actions during this period.</p>
<p>This lack of action is historical. Concerns were apparent some years ago but no action taken. Why did nobody in KCC notice the decline in numbers over past 4/5 years?</p>	<p>The LA were raising concerns over leadership and standards in the school with the Governing Body and this should have been picked up earlier. The school was beginning to take action but they were not sufficient to bring about improvements before Ofsted arrived.</p>
<p>Why was Mr Whitcombe allowed to stand up 6-8 weeks ago and say the future of the school was rock solid? We were not told at any meeting that conversion to an Academy depended on numbers</p>	<p>Following our discussion with the DfE and possible academy sponsor, which didn't materialise, we asked Swale Academies Trust and JW to take over responsibility of the school. JW spent time in the school and he and his team made very significant improvements in the quality of teaching and the progress and achievements of the pupils. The school needed to be a viable school to transfer to become an academy.</p>
<p>Why aren't KCC allowing the transfer to Swale Academy Trust so they can take over the burden of this problem</p>	<p>KCC is not taking this action on its own, discussions have been held with the governors and Swale Academies Trust and all parties have agreed that the only option is closure. There isn't a contract with the Trust and although the Secretary of State said it would become an Academy some time ago, the situation has changed since that decision was taken.</p>
<p>Why couldn't KCC have done a capital loan with Swale Academy Trust and released the funding now to invest in the school?</p>	<p>It was viable and we were prepared to release some of the value of the assets but the numbers of pupils are not there to support this school.</p>
<p>Do you support the closure of the school or bringing it into the fold of the Academy Trust and the solid future of school as you said in January</p>	<p>John Whitcombe said; I believed the school had a rock solid future and expressed my opinion in the local press last week. When I made that comment I passionately believed the school had a strong and robust future but circumstances changed. Another local school decided to expand its number and it made the</p>

	viability of this school more difficult.
Do Swale Academy Trust want to make it an Academy?	We wanted to take it on to become an Academy but reality is that school has reached a tipping point and cannot return from that. Swale Academies Trust is not prepared to take it on. The Funding agreement has not been signed. The Academy Order has been signed by the Secretary, which informs the governors and KCC. Swale Academies Trust hasn't signed it.
Another local school should not have been allowed to increase their intake by 50-70 pupils that would have secured the position of Chaucer School. This increase is short sighted	Nobody here was in control of that decision. The arrangement for admission to schools has changed and individual schools can decide their own admissions numbers.
If Canterbury schools had taken a reduction in their PAN by 15%, we wouldn't be in this position. Why hasn't an interim step been put in to ensure all schools in Canterbury area have taken a reduction in birth rate rather than just one?	This is not possible. There is no way that the LA can control numbers when schools become Academies. Any money that Canterbury Academy has, they acquire via the DfE.
Are KCC aware of conspiracy theory going round that Christ Church is paying someone in KCC so that they can purchase yet another part of this side of Canterbury?	I'm not aware of any conspiracy theory about Canterbury Christ Church University. No decision been made about this site.
When the 4,000 home are built between Barton and Bridge, where will children go to school?	Forecasts used for school places in future for Canterbury take into account up to 500 houses in Canterbury. Canterbury District Council's plan has more than 4,000 up to 2031. The increase in housing from now until 2020 won't require us to have a school of this size. What we know is that by 2020 will need to make additional provision in schools but not enough for a whole school
Barton Court are going to Herne Bay and Simon Langton Boys being super-selective, Archbishops being a faith school it leaves Chaucer, Canterbury High and St. Anselm's as comprehensives and Canterbury High is bursting at the seams.	We looked at every option to keep the school open We looked carefully at housing projections and forecasts using data from Canterbury District Council's plans but numbers won't materialise until 2020
If Chaucer had become an Academy, they could have had the funding to provide the influx in 5 years' time; Canterbury will need further and larger accommodation and will need a school. This is an ideal school – it's what people see on the outside. It's a good school with good teaching. Canterbury will need a good school –	I understands the sentiments but it needed an Academy Trust to sponsor it to bring about improvements but the Academy chain would not take on the risk of the school and part of the arrangement of that Academy chain was that the LA would agree to sell a piece of land in order to produce resources to invest in capital improvements in this school. The Academy chain was not prepared to wait 2-3

let's spend money on it.	years for that to happen.
If commitment had been there and if school had a face-lift, more students would have come in. It would have been a viable, good school.	Oasis Academy Trust walked away as it wasn't viable. Capital improvements would not have seen light of day for couple of years
The school's deficit is £300K. There has been extensive works repairing heating and roofing – how much of that £300k does that account for? Is that wasted money?	Money for the improvements was paid for by LA and not out of deficits. The deficit had been built up over a number of years. This is in addition to the deficit.
If you refer to the slide and the dates of the 4-week public notice period if the Cabinet Member doesn't agree, we've got no children left most will have left. Are we putting the "cart before the horse" or has a decision already been made or is the proposal not a proposal but a done deal?	It is clear from our conversation this evening that if there was an alternative we would be pursuing it. There is always a legal decision when making a proposal of this kind.
How did information get leaked in the way that it did? The timing was awful and was an insult to the staff, pupils and parents.	Agreed and it was unhelpful. No way it could be stopped and we didn't know about it at the time

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Roger Gough,
Cabinet Member for Education and Health Reform

DECISION NO:

14/00039

For publication

Subject: Proposed Closure of Chaucer Technology School

Decision:

As Cabinet Member for Education and Health Reform I agree to:

- (i) Issue a public notice to close Chaucer Technology School for all year groups except the current Year 10.

And, following the closure of the Public Notice and subject to no new objections not considered in this decision being received

- (ii) Close the School for all year groups except the current Year 10.

Should objections, not already considered by the cabinet member when taking this decision, be received during the notice period a separate decision will be required in order to continue the proposal and allow for proper consideration of the points raised.

1. Reason(s) for decision:

1.1 The very significant drop in pupil numbers, reflecting loss of parental confidence in the school, and the serious budget deficit coupled with future pupil number projections in the Canterbury area suggest closure of Chaucer Technology School as the most viable option.

1.2 The consultation period ran from 25 February to 8th April 2014 with a public meeting being held on 17 March 2014.

1.3 In reaching this decision I have taken into account:

- the views expressed by those attending the public consultation meeting on 17 March 2014, and those put in writing in response to the consultation;
- the views of the Local Member;
- the Equalities Impact Assessment and comments received regarding this; and
- the views of the Education Cabinet Committee which are set out below

2. Financial Implications:

2.1 The national changes to school funding that were implemented in April 2013 reduced all local authority funding formulas to a very limited number of factors (10 in our case) and moved the funding to the position where more than 90% of a school budget is now based upon pupil numbers compared to an average of 71% in 2012/13. The significant decline in pupil numbers at Chaucer Technology School has therefore resulted in a corresponding decline in its revenue funding. More than ever before the financial viability of a school hinges on its pupil numbers.

2.2 The budget for Chaucer Technology School (excluding Post 16) is £3.7m in 2013/14 and

that falls to £2.7m in 2014/15 because of the reduction in pupil numbers. If closure was not being considered we would face a major issue in 2015/16 where the budget for the school is likely to fall below £1m. The school is currently forecast to end 2013/14 with a deficit of over £0.3m (revenue and capital) which is expected to grow to over £0.6m in 2014/15 rising to more than £2m in 2015/16. This, coupled with the continuing fall in the roll, is not a financially viable position for any school. That level of funding and deficit would not allow the school to deliver the required curriculum and quality of education.

- 2.3 In January 2013 the Acting Principal of Chaucer Technology School took appropriate action to address the budget pressures through a significant reduction in staffing. This is likely to have brought the budget back under control on the basis of what was known about pupil numbers at that time. What could not have been anticipated when those savings measures were implemented was the scale of the continuing fall in the roll which has now resulted in an untenable financial position.

Revenue

- 2.4 The financial implications of closure are set out below. Most of the costs will have to be met from the Schools Block of the DSG (Dedicated Schools Grant) so the majority of additional costs (most of which are one-off in nature) will not fall to KCC but it will put some pressure on our DSG funding in 2014/15 and 2015/16. The DSG will have to absorb the one-off cost of the deficit left when the school closes. We are currently developing a model budget to take the school through to closure in August 2015 so a definitive figure is not available. However, with all the changes taking place from September 2014 we anticipate being able to reduce the projected 2015/16 deficit so the likely cost will be in the region of £1.5m.
- 2.5 It should be noted that had the school proceeded with the planned Academy conversion proposed by the DfE in 2013, we would still have incurred the cost of the deficit. Schools converting under the sponsored Academy model leave their deficit behind with the local authority. The Schools Block of the DSG will also have to meet some one-off costs that will be incurred by those schools taking on the current Chaucer Technology School pupils from September 2014. This is still to be quantified with the schools concerned but we anticipate the cost will be in the region of £1m. The schools will get additional funding in future years for those pupils through the normal formula budget process. There will be costs in respect of staffing, primarily redundancy payments as well as some additional cost on Home to School Transport. Again, it is unlikely that these costs can be quantified until later. There will also be costs relating to closing of parts of the site during the academic year 2014/15 and securing the site following closure in August 2015.

Capital

- 2.6 As with revenue there will be a capital deficit to be absorbed but this is much smaller than the revenue and may be less than £0.1m at the point of closure. The major capital issue relates to the future of the 22 acre site. At this stage there are no plans for the site as our focus is on providing support for the existing pupils and staff through to closure in August 2015. There are clearly a range of options that can be explored as to the future use of the site but until options are developed it is not possible to quantify the scale of any potential

costs or receipts.

3 Human Resources Implications

- 3.1 A 30 day formal consultation period for staff commenced on 24 March 2014. This was opened with a consultation meeting attended by staff, Trade Unions, LA Representative, the Executive Principal and HR. Staff were provided with a copy of the indicative Redundancy Timeline, Public Consultation document on the proposal to close the Chaucer Technology School and a Question and Answer sheet in response to queries that had been raised at earlier staff meetings. As part of the consultation process formal one to one meetings with staff have started and will be completed by 4 April 2014. Responses to the formal consultation process are to be received by 24 April 2014.
- 3.2 A number of staff have been selected to cover the curriculum for Year 11 in 2014/2015, subject to the proposal for closure being approved. They will therefore have their redundancy deferred. A retention allowance will be paid to ensure that Year 11 students receive continuity of education and secure the best possible outcomes with their GCSE courses. A number of the remaining staff members have secured alternative employment and others are being supported in looking for other positions. Those that do not secure other posts will be made redundant on 31 August 2014, subject to the proposal being agreed.

4. Property Implications

- 4.1 The Chaucer school site will remain operational until August 2015. It will then revert to the Local Authority's ownership and will be held for educational purposes within KCC's Property portfolio. Further analysis of future need will be undertaken to inform whether any part of the site can be disposed of or made available for alternative use.
- 4.2 Work will be undertaken to ensure the site can operate safely until final closure in August 2015.
- 4.3 Consultation is taking place with other users of the site to inform decisions around longer term use.

Cabinet Committee recommendations and other consultation:

14 March 2014

The Cabinet Member for Education and Health Reform in his verbal update explained the proposal to the Committee. The Committee agreed to discuss the proposal fully at its meeting on 22 April 2014.

22 April 2014

To be added after Committee meeting

Any alternatives considered:

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
Signed

.....
Date

From: Patrick Leeson, Corporate Director for Education, Learning and Skills

To: Education and Young People Services Cabinet Committee – 22 April 2014

Subject: Decision: 14/00040 - New primary school at Knights Park, Tunbridge Wells

Classification: Unrestricted

Past Pathway of Paper: Education Cabinet Committee report – Commissioning Plan for Education Provision - 27th September 2013

Future Pathway of Paper: Cabinet Member decision

Electoral Division: Tunbridge Wells East, Mr Christopher Hoare

Summary: This report sets out the processes undertaken to establish a new school at Knights Park, Tunbridge Wells and the associated financial implications for KCC.

Recommendation(s): The Education Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Health Reform on the decision to:

- (i) Allocate £5.4million from the Education Learning and Skills Capital Budget to fund the capital costs of the new primary school at Knights Park.
- (ii) Authorise the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/ agreements on behalf of the County Council
- (iii) Authorise the Director of Property and Infrastructure Support to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

1. Introduction

1.1 The Knights Park development is located on the northeastern periphery of Tunbridge Wells. The development is immediately bordered by existing development including the North Farm Industrial Estate, the Sherwood Estate and a leisure park. It relates well to the existing built up area of Tunbridge Wells and is enclosed by woodland and the A21 to the east.

1.2 The development has received outline planning consent from Tunbridge Wells Borough Council for up to 550 homes. The housing is expected to produce additional demand which cannot be met locally. The Kent Commissioning Plan for Education Provision 2013-2018 has therefore identified a need for additional primary provision of up to 2 forms of entry (FE) within the Tunbridge Wells district for 2015. It is proposed that this need will be met by a new primary school on the Knights Park development, opening in September 2015.

- 1.3 In accordance with statutory guidance, all new schools must be an academy or free school which requires the Secretary of State's determination of a suitable sponsor. The academy or free school would be established through a funding agreement with the Education Funding Agency (EFA) and open on land leased from the local authority. The local authority must assess all the proposals to establish and sponsor a new school and the preference indicated by the local authority will be a key factor in the Secretary of State's consideration of the sponsor.
- 1.4 It is proposed that the new school site at Knights Park will also host a satellite unit for up to 12 pupils which would be linked to a Profound, Severe and Complex Needs (PSCN) Special School. Discussions are currently taking place with a local special school over their potential role in operating the satellite provision. The proposal to create these additional places is in line with Kent County Council's strategy for children and young people with special educational needs and who are disabled (SEND) and the aims of the Kent Commissioning Plan for Education Provision 2013-18.
- 1.5 This report sets out the processes undertaken to establish a new school at Knights Park, Tunbridge Wells and the associated financial implications.

2. Financial Implications

- 2.1 The proposal requires the provision of a new school building on land west of Knights Way, Longfield Road, Tunbridge Wells, Kent, TN2 3UQ. The first phase of the accommodation will be delivered in line with the new EFA school baseline designs, which have smaller footprints than the Kent Standard of recent years.
- 2.2 The intention is to build a 1FE building for 210 pupils, with 2FE ancillary facilities in the first phase. This will allow the school to be easily expanded to accommodate future need and ensure that the school meets the pupil demand arising from the new development and local demand from population growth.

a. Capital

- i. A sum of £3.742 million and a school site have been secured in respect of developer contributions towards education as set out in the Section 106 completion document dated 28/01/14. The constrained site is smaller than normally made available for a 2FE school, although the site can accommodate all of the required facilities.
- ii. The total cost for phase 1 is estimated to be in the region of £5.4 million. However the cost net of the developer contributions is expected to be approximately £1.3m. The costs of the project are estimates and these may increase as the project is developed. If the cost of the project is greater than 10% the Cabinet Member will be required to take a further decision to allocate the additional funding.

b. Revenue

- i. Furniture and Equipment - £6,000 per classroom will be provided towards the cost of furniture and equipment. This will be given to the new school's leadership team for them to undertake procurement.

- ii. Start-up Costs: KCC will provide a budget of £50,000 for start-up costs which will typically commence from January through to 31 August prior to the new school opening on 1 September 2015. This is to cover the costs of employing appropriate staff. On opening, the new school will be funded directly by the Education Funding Agency.
 - iii. Pupil Growth Funding: In accordance with the Pupil Growth Policy established by KCC and its School's Funding Forum, the school will receive guaranteed funding as follows:
 - Year 1 - 60 pupils
 - Year 2 - 90 pupils
 - Year 3 - 120 pupils
 - iv. The costs of the satellite unit would be met from the Dedicated Schools Grant, with funding being provided to the special school to run the provision.
- c. Human – The school will appoint additional teachers and support staff as required.

3. Bold Steps for Kent and Policy Framework

- 3.1 This proposal will help to secure our ambition “to ensure every child will go to a good school where they make good progress and can have fair access to school places” as set out in ‘Bold Steps for Education’.
- 3.2 The Kent Commissioning Plan for Education Provision sets out the additional demand for school places in 2013-2018 to be met by commissioning additional places across Kent.
- 3.3 Kent County Council’s strategy for children and young people with special educational needs and who are disabled (SEND) identified the need to add 275 additional SEN places in Kent for pupils with Autism and Behavioural Needs. 175 of these places will be in special schools.

4. The Academy/Free School Presumption process

- 4.1 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the academy/free school presumption) to the Education and Inspections Act 2006. Where a local authority thinks there is a need for a new school in its area it must seek proposals to establish an academy or free school. All new academy and free school proposals require the Secretary of State’s approval. The local authority must assess all proposals received and send the outcome of the assessment to the Secretary of State for consideration. The preference indicated by the local authority will be a key factor in that consideration.
- 4.2 The process and timetable for identifying the best sponsor for the new school at Knights Park was aligned to the timetables set out by the Department for Education.

Timeline:

Competition commences	11 February 2014
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Full application to be with KCC	11 March 2014
Inform DfE of all proposals received	12 March 2014
Promoter Assessment Panel	17 March 2014
Education Commission considers proposals	20 March 2014
KCC submits all proposals to the Secretary of State	21 March 2014
Secretary of State full sign off	21 May 2014

- 4.4 KCC published specifications, including an indicative three year budget profile, an application form for potential sponsors to complete, and assessment criteria against which the applications would be assessed.
- 4.5 The Academies Presumption Team was notified of the competition on 11 February 2014. A case worker was assigned to KCC and the specification was forwarded onto the New Schools Network, Independent Academies Association, SSAT and the Freedom and Autonomy for Schools National Association (FASNA) and included on the DfE website. KCC also notified all 'outstanding' schools in Kent and organisations currently sponsoring a Kent Academy.

Assessment

- 4.6 Three organisations submitted proposals to KCC by the deadline of 11 March 2014. An assessment panel represented by the Director of Education Planning and Access, the Area Education Officer for West Kent, the Senior Primary School Improvement Officer for Tunbridge Wells and a School Finance Team Officer convened on 17 March 2014 to consider the applications. Each application was carefully assessed against the assessment criteria published by KCC on 11 February 2014 and a scoring matrix was completed.
- 4.7 A report incorporating the findings of the assessment panel was submitted to a meeting of KCC's Education Commission on 20 March 2014. The Education Commission unanimously endorsed the recommendation to put forward the highest scoring sponsor for the new academy at Knights Park, Tunbridge Wells.
- 4.8 A report setting out the recommendation of KCC's Education Commission was submitted to the Secretary of State for Education on 21 March 2014 for consideration. The announcement of the chosen sponsor is expected in May 2014.

5. Community consultation

- 5.1 The Academy/Free School Presumption guidance states that it is for the local authority to decide how to consult on the proposed new school and with whom. A community drop-in consultation is scheduled to take place in term 5. All key stakeholders will be invited.

6. Equality Impact Assessment

- 6.1 An Equality Impact Assessment has been completed as part of the process to seek sponsors. To date no comments have been received and no changes are required to the Equality Impact Assessment.

7. Delegation to Officers

- 7.1 The Officer Scheme of Delegation; under Appendix 2 part 4 of the Council's Constitution, provides a clear and appropriate link between this decision and the actions needed to implement it. For information it is envisaged, if the proposal goes ahead, that the Director of Property & Infrastructure Support will sign contracts on behalf of the County Council.

8. Conclusion

- 8.1 This report has set out the need for a new school at the Knights Park development, Tunbridge Wells; the associated financial implications and Academy presumption process followed by KCC which is aligned to the Academy/Free School Presumption Guidance 2013. A careful, transparent evaluation was undertaken of the bids received and based on this process, KCC's Education Commission recommended a potential sponsor for consideration by the Secretary of State for Education.

- 9. Recommendation(s):** The Education and Young People Services Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Health Reform on decision 14/00040 to:
- (i) Allocate £5.4million from the Education Learning and Skills Capital Budget to fund the capital costs of the new primary school at Knights Park.
 - (ii) Authorise the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/ agreements on behalf of the County Council
 - (iii) Authorise the Director of Property and Infrastructure Support to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

10. Contact details:

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Relevant Director:
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11. Background Documents:

Bold Steps for Kent and Policy Framework

http://www.kent.gov.uk/your_council/priorities_policies_and_plans/priorities_and_plans/bold_steps_for_kent.aspx

Kent Commissioning Plan for Education Provision 2013-2018

<https://democracy.kent.gov.uk/documents/s43253/ItemD3KentEducationCommissioningPlan20132018final.pdf>

Strategy for Children & Young People with Special Educational Needs and Disabilities

<https://shareweb.kent.gov.uk/Documents/KELSI/supporting-pupil-learning/SEN/SEN/FINAL%20Strategy%20for%20Children%20and%20Young%20People%20with%20Special%20Educational%20Needs%20and%20Disabilities.pdf>

KCC School consultation webpage - Knights Park:

http://www.kent.gov.uk/education_and_learning/plans_and_consultations/school_provision_planning.aspx

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Roger Gough,
Cabinet Member for Education and Health Reform

DECISION NO:

14/00040

For publication

Subject: New primary school at Knights Park, Tunbridge Wells

Decision:

As Cabinet Member for Education and Health Reform I agree to:

- (i) Allocate £5.4million from the Education Learning and Skills Capital Budget to fund the capital costs of the new primary school at Knights Park.
- (ii) Authorise the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/ agreements on behalf of the County Council
- (iii) Authorise the Director of Property and Infrastructure Support to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts

Reason(s) for decision:

The Commissioning Plan for Education Provision set out the need for a new school at the Knights Park development, Tunbridge Wells; the associated financial implications and Academy presumption process followed by KCC which is aligned to the Academy/Free School Presumption Guidance 2013. A careful, transparent evaluation was undertaken of the bids received and based on this process, KCC's Education Commission recommended a potential sponsor for consideration by the Secretary of State for Education.

In reaching this decision I have taken into account:

- the views of the, the local County Councillor; Headteacher and Chair of Governors of the school;
- The views of th Education Committee
- the views of the Education Cabinet Committee which are set out below

Cabinet Committee recommendations and other consultation:

27 September 2013

The Committee resolves that:-

- a) the responses to comments and questions by Members be noted;
- b) the increase funding available through the Targeted Basic Need grant be noted; and
- c) the Education Cabinet Committee endorses the decision to be taken by the Cabinet Member for Education and Health Reform on the proposed decisions to expand and build at the schools and in the areas identified.

14 October 2013

The Committee endorsed the Kent Commissioning Plan, which identified a need for up to 2FE on Land West of Knights Way, Longfield Road, Tunbridge Wells, Kent, TN2 3UQ Knights Park, subject to the development of housing.

22 April 2014

To be added after Committee meeting

Any alternatives considered:

The Commissioning Plan for Education Provision 2013-18 explored all options and the expansion of this school was deemed the suitable option.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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signed

.....
Date

From: **Roger Gough, Cabinet Member for Education and Health Reform**

Patrick Leeson, Corporate Director for Education, Learning and Skills

To: **Education and Young People Services Cabinet Committee**

Subject: **Post 16 Transport Policy**

Classification: **Unrestricted**

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: All electoral divisions

Summary: Each year KCC has a legal duty to consult on its Policy for Post 16 Transport and publishes a Post 16 Transport Policy Statement by the 1 June.

Recommendation(s): The Education and Young People Services Cabinet Committee is asked to:

- (I) note the proposed Kent Post 16 Transport Policy (appendix 1) which is currently out to consultation and devised in light of the Member decisions already taken relating to the discretionary 16+ Travel Card Scheme.
- (II) note that the price of the discretionary Kent 16+ Travel Card will be discussed at Growth and Environment Transport Cabinet Committee on 24 April 2014.
- (III) to consider and endorse or make recommendations to the Cabinet Member for Education and Health Reform ahead of the proposed decision to agree the Post 16 Transport Policy Statement to be published by 1 June.

1. Introduction

- 1.1 The report sets out the proposed Post 16 Transport Policy to enable the LA to meet its statutory duty in relation to transport for Post 16 learners.
- 1.2 The attached policy makes it clear that in the first instance there is an expectation that learners will make use of the discretionary Kent 16+ Travel Card, seeking bursary funding support where necessary to access this as a preferred means of accessing their education or training provider but also sets out the duties on the LA to consider requests for transport from students in special circumstances. It remains broadly similar to the existing policy.
- 1.3 The policy has been extended to enable the LA to assist (where appropriate) young people who are not in employment, education or training (NEETs) to access time limited support with transport to enable NEETs to attend interviews with prospective employers and learning providers. Transport has

been identified as a barrier to this group who cannot currently access a 16+ Travel Card.

2. Financial Implications

- 2.1 At this time we do not know what the final costs will be as the discretionary scheme is uncapped and reimbursement of operators is based on travel patterns of users. The reduction in cost to the discretionary scheme will have an impact on the costs of the statutory policy on transport for young people in special circumstances.

3. Bold Steps for Kent and Policy Framework

- 3.1 The Post 16 Transport Policy aligns with 'helping the economy grow' and 'tackling disadvantage' themes in Bold Steps for Kent.

4. The Report

- 4.1 KCC has a duty to consider applications for transport and is required to enable access to education. In most circumstances it meets this duty through the 16+ Travel Card. This is a very generous discretionary scheme which will aid access to both education and employment. The card has historically been available at a cost to the learner of £520 however at the County Councils' budget setting meeting on 13th February 2014 it was agreed that the Kent 16+ Travel Card would be reduced to £400 with no limit on the use. A further proposal is being discussed at the Environment & Transport Cabinet Committee on 24th April 2014.
- 4.3 KCC has a duty to consult on and publish its Post 16 Transport Policy Statement each year. Whilst there is no statutory duty to provide transport for Post 16 Learners there is a duty to consider applications for assistance with transport and to enable access to education. The transport policy sets out how KCC will meet this duty and what learners in special circumstances can expect by way of support.
- 4.4 There are no equalities implications that have not been considered during previous consultations on the Post 16 Transport Policy. The reduction in cost of the 16+ Travel Card to the learner will further reduce barriers to transport which had previously been identified.
- 4.5 Schools, colleges and learning providers have been consulted as have their students. The consultation on the proposed policy will run until the 12 May 2014.

5. Conclusions

- 5.1 The consultation is a formality set out in our legal duties. Despite there being no material changes to the Policy other than to reduce the cost to the learner and enable improved access to support young people who are NEET an annual consultation is required. There will be no detrimental effect on learners by the proposed changes to the scheme and it is expected that the Policy will continue to fully support Kent's Post 16 learners through this phase of their education.

6. Recommendation(s)

Recommendation(s):

The Education and Young People Services Cabinet Committee is asked to

- (i) note the proposed Post 16 Transport Policy (appendix 1) which is currently out to consultation and devised in light of the Member decisions already taken relating to the discretionary 16+ Travel Card Scheme.
- (ii) note the content of the outcome of the petition to lower the price of the discretionary Kent 16+ Travel Card will be discussed at Environment and Transport Cabinet Committee on 24 April 2014.
- (III) consider and endorse or make recommendations to the Cabinet Member for Education and Health Reform ahead of the proposed decision to agree the Post 16 Transport Policy Statement to be published by 1 June.

7. Background Documents

Environment & Transport Cabinet Committee report - 24th April, 2014 - Petition to reduce the cost of the 16+ Travel Card and the Young Person's Travel Pass for pupils receiving free school meals.

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=831&MId=5642>

Consultation on Post 16 Transport Policy 2014-15

<http://consultations.kent.gov.uk/consult.ti/Post16Transport/consultationHome>

8. Contact details

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16+ Transport Policy Consultation 2014/15

For 16 - 19 year olds in the pursuit of, or receiving education or training at schools, academies and other institutions within the further education sector.

1. Kent County Council considers that in most circumstances the provision of a Kent 16+ Travel Card at the subsidised rate of £400* per annum is sufficient to facilitate the attendance of persons aged between 16 – 19 at their chosen education or training provider. This may be at schools, academies, colleges or in the workplace though an apprenticeship or other work based training provision.

The Kent 16+ Travel Card is available to purchase from any registered learning provider. The 16 + Travel Card offers free at the point of travel access on the entire public bus network operating in Kent including single destination journeys out of Kent and back into the County. It is available for use 24 hours a day, 7 days a week. The 16+ Travel Card gives unlimited access to the public bus network and learning providers can choose to subsidise this charge further to their students or trainees if they wish.

2. To support the provision of suitable education or training for young people who are 16 and 17 and not in education, employment or training (NEET), Kent County Council may offer fixed term (up to one month) travel cards at subsidised rates to facilitate travel to interviews, work experience and other activities necessary to secure appropriate provision. To be eligible, young people must be registered and receiving support through the Kent Integrated Adolescent Support Service (KIASS).

3. If, however, you have special circumstances which you believe should make you eligible to receive help of an alternative nature you should write to **The Transport Team, Room 2.24, Sessions House, County Hall, Maidstone ME14 1XQ** setting out those circumstances, in full. You may rely upon any circumstances which are relevant to your application. The way that Kent County Council exercises its duty to enable access to education, be it with financial or practical support is entirely at the discretion of Kent County Council, including where appropriate a decision to meet the full cost of your transport or alternatively to offer no additional support. The following considerations will be given greater weight by us when we consider your application, but do not guarantee you will be eligible to receive additional assistance from Kent County Council.

(i) that it is not/would not be reasonably practicable for you to attend the educational establishment at which you are registered or at which you would like to register to receive education or training using a Kent 16+ Travel Card on the terms described above

(ii) that the distances and/or journey times, between your home and the educational establishment at which you are registered or would like to register makes the use of Kent 16+ Travel Card, on the terms described above impractical or not practical without additional assistance. Kent County Council will usually only provide one form of support for Low Income Families

(iii) that you and your family cannot afford the Kent 16+ Travel Card on the terms described above.

This will normally require proof of receipt of certain benefits i.e.

- Income support
- Income based jobseekers allowance
- Child Tax Credit (TC602 for the current tax year with a yearly income of no more than £16,190pa)
- Guaranteed element of state pension credit
- Income related employment and support allowance

and assistance on this ground will normally only be given where the educational establishment is not more than 6 miles from your home. Any additional provision or assistance would be reviewed on an annual basis and your parents would be required to provide the Transport Team with up to date proof of the family's income at that time.

(iv) that the nature of the route, or alternative routes, which you can reasonably be expected to take with a Kent 16+ Travel Card makes the use of the Card impractical or not practical without additional assistance.

(v) that reasons relating to your religion of belief (or that of your parents) mean that the use of the Kent Travel 16+ Card is not practical or is not practical without additional assistance.

Where a learner is attending an educational establishment of the same denomination as themselves (or religion in cases where the religion does not have denominations) in order to be considered for transport assistance, they must also have the application form signed by a vicar/priest or religious leader of the same denomination (or religion where there are no denominations) as the school stating that the learner is a regular and practising member of a church or other place of worship of the same denomination (or religion where there are no denominations) as the educational establishment concerned.

Where a learner is attending a church school of a different denomination or religion to that of the parent, in order to be considered for transport assistance, they must also have the application form signed by a vicar/priest or other religious leader stating that the learner is a regular and practising member of that religion or denomination. The learner will also need to explain why their religion of belief makes it desirable for the learner to attend that particular educational establishment rather than another educational establishment nearer to the learner's home, given that the chosen educational establishment is not of the same religion or denomination as that practised by the learner.

Where a learner is attending an educational establishment for reasons connected with his or her (non-religious) belief, in order to be considered for transport assistance the learner will need to explain what that belief is and why the belief makes it desirable for the learner to attend that particular educational establishment rather than another nearer educational establishment. The learner will also need to

provide evidence to prove that they do indeed hold the belief in question. This could be confirmation from a person of good standing in the community who knows the learner, for example a councillor, a doctor, a social worker or a lawyer or alternatively proof of the learner or his parent's medium or long term membership of a society or other institution relating to that belief.

The Council will also take your parents income into account when deciding whether or not to make an award under this heading.

Free transport or other transport assistance will only be awarded under any of the three categories above where Kent County Council is persuaded that the religion or belief is genuinely held and that the placement of the learner at the institution in question will be of significant benefit to the learner because of the relationship between the religion or belief of the learner and the nature of the educational institution in question and where the provision of the transport assistance requested would not impose a disproportionate expense upon the authority.

(vi) that any disability or learning difficulty that you have means that the use of the Kent Travel 16+ Card is not practical or is not practical without additional assistance. Kent County Council recognises that In some circumstances public transport may not be appropriate as a result of a disability or learning need and again in these exceptional circumstances other means of support will be considered on the provision of evidence supplied by supporting documentation from a range of appropriate specialists or professionals, for example GP/health/educational.

The Local Authority will normally only agree to such requests for a maximum period of one year. Arrangements would then be reviewed. The Local Authority can then agree such requests for the duration of the course up until the end of the year in which the young person reaches the age of 19.

Learners aged 16 – 19 for whom the Local Authority maintains a SSEN, or where the learner has an LDA or EHC plan are also expected to seek a 16+ Travel Card from their learning provider. Where the learners are unable even with appropriate independent travel training, to access public bus travel as a result of their levels of need, consideration will be given to other means of support.

If the learner has a disability or mobility problems in accessing public transport, evidence from their GP/consultant must be provided to the Local Authority in order to consider and review the request.

You should also state what additional or alternative steps you would like Kent County Council to take to assist you in attending the educational institution at which you are registered/would like to register.

4. Please note you will be asked to provide evidence to support any arguments that you may have, for example and where relevant-

- (i) proof that you have applied to or are registered at a particular educational establishment such as a copy of your acceptance/offer letter from the college;
- (ii) proof of your and/or your family's income and savings e.g. TC602 from HM Inland Revenue;

- (iii) proof of any disability or learning difficulty that you have; (report from GP, consultant or report from Special Educational Needs Department providing confirmation that you are unable to access a nearer educational establishment to your home and/or are unable to access public transport for example);
- (iv) proof that you have applied to colleges or other educational establishment closer to your home (for the same course or for a similar course), which if accepted would have meant that you would not have required additional assistance from us and proof that those applications were turned down. (Copies of refusal letters would be required);
- (v) details of the unsuitable route that you say you would need to travel and detailed reasons why you consider the same to be unsuitable;
- (vi) proof that you are a member of a particular religion or religious denomination or (where possible) that you have a particular belief where that is relevant to your argument. Ordinarily, where you are making an application on faith grounds, you will be required to attend an establishment with the same religious denomination as your place of worship.

5. Please send the details of your special circumstances to **The Transport Team, Room 2.24, Sessions House, County Hall, Maidstone ME14 1XQ.** We will let you have a written decision as to whether we are able to make any additional financial or other support available to you within 14 days of you providing any supporting evidence that we may require and of you answering any additional questions that we may raise. In the event that transport assistance is refused, details of the appeals procedure as set out below will be included in the decision letter.

**Note the cost of the 16+ Travel Card has historically been £520. Efforts are being made to reduce this figure to £400. A formal decision is expected in the coming weeks however favourable adjustments to the pricing of the 16+ Travel Card will not detract from the broader Transport Policy as set out above.*

Home to School Transport Appeals Procedure

Introduction and Purpose

This procedure is designed to be used in circumstances where parents, guardians or in the case of those aged 16+ the learners themselves have applied for free or subsidised transport for their child (or for themselves in the case of a person aged 16+) to an educational institution situated either within or outside of Kent County Council's geographical area at which their child has or they personally have been offered a place or at which they are a registered pupil and who have had their application for free or subsidised transport refused.

This procedure only applies to those children and adults for whom KCC has a duty to provide or consider the provision of free or subsidised transport to educational establishments. (To be considered, children/families/applicants must be resident in the administrative boundary of Kent).

Please note references to child and school below, also apply to any eligible educational institution and to the applicant his or herself where the applicant is aged 16+.

Please note that the term school includes an Academy.

How and when do I appeal?

In response to your application for free or subsidised transport you will have received a decision letter from the County Council's Transport Team rejecting your application. You have 28 days from the date of that letter in which to appeal.

In order to appeal you must put all of the reasons which you think support your appeal in writing and send it to the Assistant Democratic Services Manager, Democratic Services, Room 1.99, Sessions House, County Hall, Maidstone, ME14 1XQ.

If you are able to do so within the 28 day time limit you may also send copies of any supporting documentation with your reasons for appeal. If not you will be able to send this to us later, provided the appeal has been lodged accordingly.

Please remember that your appeal must be received by the Democratic Services Manager within 28 days of that date of the letter rejecting your application. If your appeal is not received within this time your appeal will not be allowed and you will have no further right to appeal.

Upon what grounds can I appeal?

You can appeal for any reason or combinations of reasons that you wish. The Members of the County Council's Regulation Committee Appeal Panel ("the Members") who will consider your appeal will be willing to consider any arguments that you wish to put to them.

Please remember that you can either appeal for free transport to and from school and/or that the Council should make a financial contribution towards the costs of your child's transport.

Common grounds for appeal include, but are not limited to-

1. Financial considerations (I can't afford it);
2. Unsuitability of route (I live within statutory walking distance to the school but the route, in my opinion, is too dangerous for a child accompanied by a parent or responsible adult to walk in safety);
3. Ill health/disability of parent or of child (I live within statutory walking distance to the school but my child cannot walk to school accompanied by me or a responsible adult because of my or my child's ill health or disability);
4. Religion or philosophical belief (I have a religious or recognised philosophical belief which means that I would like free/subsidised transport to enable my child to attend the school in question, because of the nature of that school or the nature of the teaching provided at that school).
5. Error of law (my child is entitled to free transport by law and the Council made an error of law when they rejected my application).

What other information must I include in/with my appeal letter?

For your appeal to be considered you must include your grounds of appeal (see above), your name, your child's name, your child's date of birth, your address, the reference on our letter refusing your application for free/subsidised transport (or a copy of that letter), the full name and address of the school to which you would like free/subsidised transport and a contact e-mail address and/or telephone number.

Additionally, where you are appealing on the grounds of religion or philosophical belief you must explain your religious or philosophical belief and provide (where possible) supporting evidence that you do indeed hold that religious or philosophical belief (for example a supporting letter from a priest, vicar, or other religious leader, or in the case of a person applying on the basis of a non-religious belief, a person of standing in the community who has known you for some time) or proof of medium to long term membership of a society or institution recognising or promoting that belief.

Failure to provide this information will not initially lead to your appeal being rejected but you will not be entitled to have your appeal listed for a hearing until you have supplied us with this information (please see "What happens once I have lodged my appeal?") for more information.

Is there any fee for appealing?

No, but you must meet any costs you incur for preparing your appeal or attending the hearing, such as photocopying or transport costs, yourself.

What happens once I have lodged my appeal?

Once your appeal has been received by the Assistant Democratic Services Manager, assuming that it is received within the 28 days allowed, it will be acknowledged in writing as being accepted. If your appeal is received after the 28 day period has expired your appeal will not be allowed and you will be informed of this in writing. You will then not be allowed to appeal again for the same child in respect of the same school unless there has been a significant and material change in circumstances since the hearing.

Once we have accepted your appeal we will check it to ensure that all of the information which you must include in your appeal (please see above) has been included. If the information which we require has not been included we will write to you and tell you what we require, we will also give you a time limit by which you must provide us with the information that we require. If you fail to provide the information that we request within that time limit your appeal will not be allowed and you will be informed of this in writing. You will then not be allowed to appeal again for the same child unless there has been a significant and material change in circumstances.

Once your appeal had been accepted and we have all of the information which we need we will then pass details of your appeal to the County Council's School Transport Office who will prepare the Council's response to your appeal.

We will then offer you a hearing date which will be no later than 31 days from that date when we receive your letter requesting an appeal. You may if you provide us, in writing, with a good reason reject the first hearing date. If you do reject the first hearing date you must in your letter to us provide us with details of any other dates in 12 weeks following the first hearing date upon which you are unavailable. If you do reject the first hearing date and we are satisfied with your reason we will offer you a second hearing date. We will endeavour to

offer you a second hearing date within 3 months of the date when we received your appeal letter. If you reject the second hearing date or if you fail to attend a hearing on a date that you have accepted you will not, save in cases where there are genuinely exceptional circumstances, be offered a further hearing, although Members will still consider your appeal based upon the information that you have provided to us in writing if you so wish.

Please note that it is not possible for us to hold appeals in the evenings or at the weekend.

When we offer you a hearing date we will also inform you and the Officer presenting the Council's case of any additional information we require from you and from them in order to properly consider your appeal. We will give you both a time limit by which to comply with this request. Failure to provide the requested information within the time limit will, save in cases of genuine exceptional circumstances, prevent either the Council or you (as the case may be) from relying upon the evidence that you did not produce in time.

At least 5 days before the hearing date we will send you and the Officer presenting the Council's case a copy of each others written case and supporting documentation.

Can I bring witnesses to the appeal hearing?

Yes, both you and the Officer presenting the Council's case can bring witnesses to the hearing providing you or the Officer presenting the Council's case notify us at least 14 days in advance of the name of the witness(es) and the purpose of that person attending the hearing. We will tell you and the Officer presenting the Council's case of any witness that the other party intends to call, in advance of the hearing. You may wish to provide a written summary of the witnesses' evidence on the day of the hearing as this may be helpful to the Members considering your case.

Please note that the Members hearing your appeal have the right to refuse to listen to witnesses produced by you or by the Officer presenting the Council's case if they believe that the evidence given is irrelevant to the appeal.

Can my witnesses claim any fee, allowances or expenses from the Council?

No fees, expenses or allowances will be paid to your witnesses by the Council under any circumstances.

Can I be accompanied by a friend at the hearing?

Yes, providing you let us know his or her identity at least 14 days prior to the hearing date.

Can my friend represent me and/or present my case at the hearing?

No, unless we have agreed that he or she will do so in advance of the hearing. We will only agree to your friend representing you and/or presenting your case if you can demonstrate that you cannot represent yourself and/or present your own case by reason of illness or disability.

Can my friend be a lawyer?

Yes, but only if they are not acting as a lawyer as part of a lawyer/client relationship.

Can I have legal representation at the hearing?

No, this is not allowed. The Officer presenting the case on behalf of the County Council will also not be allowed to have legal representation. The Members deciding your appeal have the right to have a legal adviser if they so wish.

Can I bring my own video or audio recording device to the hearing?

No, this is not allowed. There will be an official note taker at the hearing provided by the Council. Any attempt by you to record the hearing will lead to its immediate termination and the dismissal of your appeal.

Can I bring new or last minute evidence to the hearing?

Only in exceptional circumstances and in the absolute discretion of the Members hearing your appeal will new or last minute evidence be accepted from you or from the Officer presenting the Council's case. Production of last minute evidence may lead to your hearing being adjourned to a later date.

What is the procedure to be used at the hearing?

1. There will be a panel of between 3 and 5 Members considering your case. There will be a clerk (who may be legally trained or qualified) to advise Members and take notes of the appeal hearing.
2. The Chairperson elected by the Members will introduce everyone present at the hearing.
3. The Officer presenting the Council's case will be asked to present the Council's case and call any witnesses. The Officer presenting the Council's case and/or his or her witnesses may then be questioned by you and the panel.
4. You will be asked to present your appeal and call any witnesses. You and/or your witnesses may then be questioned by the Officer presenting the Council's case and the panel.
5. The Officer presenting the Council's case will then be invited to present a closing summary of the Council's grounds for resisting the appeal.
6. You will then be invited to present a closing summary of your grounds of appeal.
7. Members may ask anyone questions at any time or may alter the order of steps 3 and 4 at their discretion.
8. Members may agree to consider written evidence only for either or both parties at their request.
9. At the close of the appeal, both you and the Officer presenting the Council's case will be asked to leave in order for Members to consider the evidence presented to them. Members may either make their decision immediately at the end of the hearing or they may reserve their decision until a later date. Irrespective of when Members choose to make their decision you will receive a decision in writing giving reasons within 10 working days of the date of the appeal hearing. You will not be advised of the outcome on the day of the hearing as this will only be given in writing.

What criteria will Members use in deciding whether to allow my appeal?

Members will allow an appeal and authorise the provision of free transport where in their opinion, after hearing all of the evidence presented by both parties, the strength of your case outweighs the additional cost to the Council in providing the free or subsidised transport.

Alternatively, where free transport had been requested and Members are satisfied that you have a very strong case but the strength of your case does not outweigh the additional cost to the Council in providing free transport Members may decide to offer you a financial subsidy towards your child's transport costs.

If your appeal is on the basis that you would like your child to attend a particular school because of your religion or philosophical belief; if you are able to satisfy Members that you legitimately follow that religion or have that belief and Members are satisfied that the school you seek free or subsidised transport to would benefit your child because they share your religion of belief, then Members will give your religious or philosophical belief extra weight in your favour when making their decision.

Is there any further appeal against the decision of the Members?

No, there is no further appeal within the Council's procedures.

Can Members backdate my entitlement to free or subsidised transport?

Yes, at their discretion, but only to the date upon which you lodged your appeal and only in case where you have kept relevant receipts e.g. bus or train tickets.

Can I repeat my application for free or subsidised transport for the same child at the same school at some time in the future if my appeal is rejected?

No, you will not be able to make any further applications for free or subsidised transport in relation to the same child at the same school unless-

(i) you can demonstrate a significant and material change in your circumstances since your previous appeal was decided; or

(ii) we change the criteria for offering free or subsidised transport under the Council's published Home to School Transport Policy and that change is relevant to your case; or

(iii) there is a relevant change to the law.

If you do wish to make a further appeal or application for free or subsidised transport in relation to the same child at the same school and you can demonstrate a significant and material change in your circumstances since your previous appeal was decided or you think one of the other two options above applies then you should write to the Assistant Democratic Services Manager, Democratic Services, Room 1.99, Sessions House, County Hall, Maidstone, ME14 1XQ setting out your reasons in detail. You will then be informed whether the Council will be prepared to consider your new application.

There is no appeal against this decision under the Council's policy.

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From: Roger Gough, Cabinet Member for Education and Health Reform

Patrick Leeson, Corporate Director for Education, Learning and Skills

To: Education and Young People Services Cabinet Committee – 22 April 2014

Subject: Recruitment of Local Authority Governors

Classification: Unrestricted

Electoral Division: All

Summary:

This report summarises the proposed actions the local authority will take to comply with the new governance regulations to be introduced in September 2014, and September 2015, with regard to local authority governors.

However, in the consultation phase, major changes to the proposed regulatory changes are not expected.

Recommendation(s):

Education and Young People’s Services Cabinet Committee is asked to consider and comment on the proposals set out in this paper to:-

- (i) Revise the duties of the Governor Appointment Panel (GAP)
- (ii) Consult on and agree new processes and procedures
- (iii) Strengthen the quality of local authority representation on governing bodies

1.1 In December 2013, the Education Cabinet Committee was asked to consider a report on the recruitment and training of local authority governors recommending

- the review of nomination and appointment procedures for local authority governors
- a briefing session for elected members on the roles and responsibilities of 2013 school governance, with the aim of improving the quality and quantity of nominations in 2014
- support for all newly appointed local authority governors to attend a face to face induction event

1.2 In January 2014, the Department for Education (DFE) opened a consultation on two proposed major regulatory changes which will have an impact on local authority governor representation in maintained schools.

- i. From 1 September 2014, all appointed governors will be selected for the skills and experience they bring to the role
 - ii. By September 2015, all maintained school governing bodies will be required to reconstitute under the 2012 constitution regulations with a maximum of one local authority governor
- 1.3 In Kent, there are currently 747 KCC governor positions, with 583 serving local authority governors and 164 vacancies. By September 2015, the overall number of positions available will have been reduced from 747 to 444 (one per maintained school), and potentially 139 serving KCC governors removed from their current posts as 'surplus governors'. As this will need to be achieved on a skills basis, the authority will require a new approach to the process of selection and appointment, including a mechanism to identify 'surplus' KCC governors.
- 1.4 All governing bodies will be required to identify a skills set for each vacancy as it arises, including local authority governor positions.
- 1.5 Changes are proposed to all the stakeholder groups (with the exception of foundation governors) with new minimums of one headteacher governor, one staff governor, one local authority governor; and two parent governors. The remaining appointments will be to a new category that of co-opted governor, with the governing body making the appointments based on the skills of the individual when matched with the needs of the governing body.
- 1.6 This report considers the impact these changes will have on the selection and appointment of local authority governors and makes recommendations which are intended to improve the effectiveness of local authority stakeholder representation on governing bodies of maintained schools and meet the need for skills based appointments.

2. Background

- 2.1 The local authority has the 'right' to nominate an individual to serve as a representative on the governing body of a school that is maintained by the local authority. This includes community, community Special schools, voluntary controlled and voluntary aided schools, but not the majority of academies and free schools.
- 2.2 Changes to school governance constitution regulations in September 2012 reduced the number of local authority governors on a single governing body to '**one, and only one**'. However governing bodies were not compelled to change their constitution, and could elect to change to the 2012 framework, or remain as they were (2007 constitution regulations). Under the 2012 regulations, the local authority role is redefined to one of 'nominating a suitably skilled individual' for the role, with the governing body 'making' the appointment at school level.
- 2.3 To date, only 23% of Kent maintained schools have chosen to reconstitute under the 2012 regulations, with all local authority nominees being appointed. All maintained schools will be required to reconstitute under the 2012 regulations by September 2015, if they have not already done so.

Approximately 342 governing bodies will therefore need to undertake this process over the next 17 months.

2.4 Currently, 77% of Kent governing bodies are constituted under the 2007 regulations which allow for more than one local authority governor per governing body. By September 2015 this will reduce from a maximum of 747 to 444*, which means one per school. Currently there are 583 individual serving local authority governors.

2.5 KCC will be required to have a skills based process in place to select which 444 of the 583 serving local authority governors are retained, reassigned or removed. There is the potential to have a 0% vacancy rate by September 2015.

District	Maintained schools	Total LA governors	LA governors in post	LA governor vacancies	Potential reduction by Sept 2015
Ashford	41	72	58	14	17
Canterbury	39	58	42	16	3
Dartford	27	42	31	11	4
Dover	37	57	48	9	11
Gravesham	28	58	46	12	18
Maidstone	49	86	65	21	16
Sevenoaks	40	68	55	13	15
Shepway	34	54	45	9	11
Swale	35	63	46	17	11
Thanet	32	59	47	12	15
Tonbridge & Malling	45	74	55	19	10
Tunbridge Wells	37	72	58	11	21
Totals	444	747	583	164	139

- Subject to reduction as schools convert to academy status

3. Strengthen the quality and local authority representation on governing bodies

3.1 No matter what constituency governors are recruited from, all governors must govern in the best interests of pupils and contribute to effective governance. Governors nominated by the local authority should be selected only if they have the necessary skills and experience to drive school improvement and contribute to the success of the school.

3.2 Governors appointed as representatives of the local authority (local authority governors) do not act as delegates and cannot be compelled to act in any specified way by their nominating body. They should however have a basic knowledge and understanding of Kent education policies and aims in order to effectively carry out their local authority representative role.

3.3 It is proposed that the local authority introduce with effect from September 2014, an annual briefing session for local authority governors to provide access to and information about KCC's Education strategy, policies, plans and performance. A written report of this briefing, together with supporting

documents and any web links would be made available to all governors on the KELS I governor pages.

- 3.4 The role description for a Local authority governor (**draft attached**) would alert potential nominees of the need for them to develop an understanding of KCC strategies and plans as part of their governor representative role.
- 3.5 It is further proposed that KCC provides elected members with governor recruitment resources, including the role descriptions above and invites them to a briefing session to
 - Outline the changes to school governance as a professional function
 - Explain the changes to the role of the local authority in nominating local authority governors
 - Outline the support invited from local members to identify suitable individuals for selection

4. Skills Based Appointment

- 4.1 Local authority governor appointments are currently made by members of a cross party sub-group of the Selection and Member Services Committee known as the 'Governor Appointments panel' (GAP). Panel members make decisions about the suitability of candidates for appointment based on:
 - An application form identifying skills and suitability (to be drafted once regulations are approved)
 - A set of guidelines for appointment (**draft attached**)
- 4.2 The panel is supported in its decisions by KCC's Governor Services team and Democratic Services.
- 4.3 Currently potential appointees are nominated for appointment by either elected members, SGOSS (a DFE governor recruitment charity), or the governing body itself. The number of nominations made by elected members has decreased over recent years, with the majority of nominations now originating from the governing body itself. This reduces local authority representation on the governing body and with the proposed changes may leave the local authority unrepresented when only one post is available.
- 4.4 From September 2014, KCC will be required to have amended its local authority governor appointment process to one based on the skills of the individual nominee matched to the skills identified for that vacancy by the governing body.
- 4.5 By September 2015, KCC will have made decisions about which serving local authority governors will remain in post, be reassigned, or removed from office as surplus governors, again based on the skills identified by each governing body.
- 4.6 It is proposed to revise the duties of GAP from September 2014 to

- Manage the de-selection process for local authority governors as governing bodies reconstitute under the 2012 regulations for the period to September 2015 **(draft process to be finalised once regulations approved)**
- Identify suitable nominees for the post of local authority governor from September 2014 **(draft process attached)**
- Make decisions about the removal from office of a local authority governor **(draft process attached)**

5. Conclusions

In order to meet the requirements of the new regulations the local authority must review and revise its processes and procedures for identifying suitable individuals to serve as local authority governors. A review also provides an ideal opportunity to strengthen the effectiveness of local authority governors, as well as improve the quality of local authority representation on the governing bodies of maintained schools.

6. Recommendation(s)

Recommendation(s):

Education and Young People's Services Cabinet Committee is asked to consider and comment on the proposals set out in this paper to:-

- (i) Revise the duties of the Governor Appointment Panel (GAP)
- (ii) Consult on and agree new processes and procedures
- (iii) Strengthen the quality of local authority representation on governing bodies

6. Background Documents

- 6.1 Constitution of governing bodies of maintained schools – proposed changes to regulations (13 January 2014)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270668/Constitution_of_governing_bodies_con_doc_final_draft.pdf
- 6.2. The School Governance Constitution Regulations 2012 Statutory Guidance for leaders and governing bodies of maintained schools and local
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270670/School_governance_constitution_regulations_final_CC.pdf
- 6.3 Appendix 1 (Draft) Role of the Local Authority Governor
- 6.4 Appendix 2a & 2b (Draft) Process for the Removal of a local authority governor

6.5 Appendix 3 (Draft) KCC Procedures and Guidelines for the appoint of local authority governors

6.6 Appendix 4 (Draft)The Role of the Governor Appointment Panel (GAP)

7. Contact details

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Role and Expectations of a Local Authority Governor September 2014 (2012 Constitution regulations)

All local authority nominees are expected to:

- Develop a basic understanding of KCC Education Policy, strategy and plans and contribute appropriately to governing body discussion
- **You are a representative and not a delegate of the local authority**
- Attend full governing body meetings (details of the day and time of meetings for a particular school will be shared with you as part of the nomination process)
- Read agenda papers in advance, and participate in discussions and decision making in governing body or committee meetings
- Accept a governing body responsibility, either as an individual, monitoring pair, or as part of a committee
- Make a minimum of one governor visit to the school each year
- Undertake a one-day face to face induction training session for new governors, followed by at least 6 hours of training annually (either face to face or by e'learning)
- attend an annual briefing for local authority governors, held in Maidstone in the autumn term each year
- abide by any additional governing body requirements in place at their school e.g. code of conduct, training and development expectations etc (these will be shared with you prior to appointment)
- you must not meet the grounds for disqualification

General Information about the role of a school governor

Governing bodies have a vital and demanding role as the strategic leaders of our schools. All governors must govern in the best interests of pupils, no matter what category they represent. Being a governor is a demanding task, and anyone appointed should therefore have the skills to contribute to effective governance and the success of the school.

You will be expected to attend a minimum of 3-6 governing body meetings each year, attend committee meetings or undertake an additional responsibility, and visit the school as part of your monitoring role. You should also expect to undertake approximately 4 hours reading and/or analysis each month in preparation for meetings.

All maintained schools have one governor who is nominated to serve as a representative of the local authority, and is then considered for appointment by the governing body of a particular school. All governors are selected for the skills and experience they can contribute to the role

matched to the needs identified by the governing body. A term of office is between 1 and 4 years, and governors can stand for a further term if they so wish.

An individual who is also a member of staff at the school cannot be appointed as a local authority governor.

A local authority panel will select members as nominees and match them to the skills identified by individual governing bodies. The governing body will appoint the candidate who most closely matches their requirements.

Guidelines for the appointment of local authority governors set out the criteria for appointment. (see appendix ?) Potential local authority governors are required to complete an application form identifying their skills, experience and suitability for the role.

DRAFT

(Draft) Process for the Removal of local authority governors

Local authority governors may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the governing body and to the governor concerned.

Procedure

1. The governing body makes a formal written proposal to KCC Governor Appointment Panel (GAP) for removal of a local authority governor, giving reasons for the proposal
2. The proposal for removal is shared with the governor concerned, and he/she is provided with an opportunity to provide a written response
3. A panel of 3 elected members is convened by GAP to consider the removal proposal and the governor response
4. an investigation may be commissioned by the panel if they feel they have insufficient evidence on which to base their decision
5. a decision is reached and shared with the individual governor concerned and governing body that made the proposal
6. the individual is informed of their right of appeal

Appeal

1. Further information is sought and/or provided by either or both parties
2. A panel of 3 (previously uninvolved) elected members is convened to consider the proposal, finding of the original hearing, and any additional information provided
3. The panel reach a decision is reached and shared with the individual governor and the governing body

*Local authority governors may be **disqualified** from continuing to serve if they meet the grounds for disqualification (see appendix 2b)*

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(Draft)Qualifications and disqualifications (regulation 17 and Schedule 4 to the Regulations)

Grounds for disqualification fall into three broad categories:

1. General grounds;
2. Grounds that apply to particular categories of governor; and
3. Grounds that arise because of particular failings or actions on the part of the governor.

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

General grounds

- Registered pupils cannot be governors.
- A governor must be aged 18 or over at the time of election or appointment.
- A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a **parent governor** if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a **local authority governor** if they are eligible to be a staff governor at the school

A person is disqualified from being a **partnership governor** if they are a

- Parent of a registered pupil at the school
- Eligible to be a staff governor of the school
- An elected member of the LA
- Employed by the local authority in connection with its education functions

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the **headteacher** or to **foundation governors** appointed by virtue of their office.

A **foundation, local authority, co-opted or partnership** governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to
- is disqualified from working with children or from registering for childminding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor
- has received a prison sentence of two years or more in the 20 years before becoming a governor
- has at any time received a prison sentence of five years or more
- has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Criminal Records Bureau for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.

KENT COUNTY COUNCIL GUIDELINES FOR THE NOMINATION OF LOCAL AUTHORITY GOVERNORS

The following guidelines are based upon the legislation outlined at the end of this document and are reviewed on a regular basis by Kent County Council. Kent County Council has delegated the authority to appoint or remove LEA governors to school governing bodies, Pupil Referral Units and Academies to a sub-committee of its Selection and Member Services Committee - the Governor Appointments Panel (GAP) - as set out in Appendix 2 Part 2 of the Constitution. This guidance applies to only this category of governorship.

General principles and expectations

Local Authority governors should be able to make a full and effective contribution as a school governor and meet the skill set identified by the appointing school.

Candidates will be considered for nomination to a governing body vacancy by reference to a completed application form and matching to the identified skill set

A member of staff who works at the school cannot be appointed as a local authority governor

All candidates for nomination must conform in full with the qualifications and disqualifications specified in The School Governance (Constitution) (England) Regulations 2003 (appended).

Kent County Council has laid down the following guidelines for the appointment of local authority governors. GAP will also take account of any relevant comments received from the Head Teacher, governing body or local authority officers before recommending a candidate for nomination or re-nomination.

Potential Conflicts of Interest

Kent County Council aims to ensure that no potential conflicts of interest will arise between the personal interests of the local authority governor and the local authority. Accordingly, a candidate is unlikely to be successfully nominated for appointments as a local authority governor to a school if s/he:

1. is a member of staff in a Kent funded school (however, a candidate who volunteers at the school may be nominated if GAP deems that their relationship to the School is sufficiently remote to make a potential conflict of interest unlikely to arise)

2. is a parent of a child attending the school
3. is related to a member of staff or a member of the school's governing body
4. has worked at the school in the past
5. has worked at a school in the same area in the last 2 years
6. has made a complaint of a vexatious nature to either the school or the local authority

Re-appointment

Because appointment is at governing body level, if a person continues to meet the skills requirements, the governing body can make an appointment for a further term of office.

The Governor Appointments Panel's Discretion

GAP has the discretion to agree to the nomination of any candidate. In considering whether to exercise its discretion, it will take account of any relevant comments received from the Head Teacher, governing body or local authority officers before recommending a nominee for appointment. Its decision will be taken with full regard to all aspects of equal opportunities legislation and will also take into account any other factor that the candidate wishes to be taken into consideration.

Note: A register of exceptions is maintained of any person appointed against these guidelines.

These Guidelines were approved by Selection and Member Services Committee on DATE. They take into account changes arising from the Education Act 2002: specifically, the new School Governance (procedures) (England) Regulations 2014, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulations 2014.

(Draft)The Role of the Governor Appointment Panel (GAP)

From September 2014

This document is in progress 5 March 2014

Background and context

Changes to governance regulations from September 2014

Two major regulatory changes are being proposed, which will have an impact on local authority governor representation in maintained schools.

1. All appointed governors will **selected for the skills and experience** they bring to the role
2. **All** maintained school governing bodies will be required to **reconstitute** under the 2012 constitution regulations **by September 2015**

In Kent, this means that by September 2015, the number of local authority governor positions in Kent schools will have reduced from 747 to 444, and that all posts should be filled by skilled and experienced individuals. However to achieve this outcome, the authority will require a new approach to the process of selection and appointment, and the creation of a mechanism to identify (based on current numbers), the 139 serving LA governors who will potentially need to be deselected, as surplus to requirements. Because appointment is in future to be based on skills, surplus governor decisions will also need to be skills based.

Decisions are currently made by the Governor Appointments panel, supported by KCCs Governor Services and Democratic Services.

Duties from September 2014 (develop this into a procedure)

1. Shape and influencing future protocols and decisions
2. Manage the de-selection process for local authority governors as governing bodies reconstitute under the 2012 regulations (for the period to September 2015)
3. Select nominees for the post of local authority governor and create a pool of expertise
4. Oversee the matching and appointment of nominees to governing body vacancies
5. Make decisions about the removal from office of a local authority governor

Guiding principles for the selection of local authority governor nominees in Kent

The local authority

- makes all decisions about local authority governor representation on the governing bodies of maintained schools based on the skills they require to be effective governors
- has established clear criteria and expectations for the role and function of a local authority governor
- has fair open and transparent procedures for selection and nomination
- has established a robust procedure for matching individual nominees with the skills requirements identified by each governing body
- ensures that local authority governors are provided with access to information outlining Kent's education policy, aims, objectives, and targets
- has established clear and fair criteria and procedures for the removal of local authority governors

Selection of nominees GAP

1. Elected members provided with recruitment resources and vacancy information
2. GB identifies skills required for a particular vacancy
3. Potential nominee receives information pack (role expectations and any school based information), and completes an application form
4. Matching exercise by Governor Services
5. Nominations approved by panel
6. Nomination(s) passed to the school for appointment
7. Nominee appointed and LA notified
8. Nominee rejected – decision and reasons in writing to the LA, and the person rejected

The role of elected members

1. Attend briefing
2. Receive regular vacancy reports
3. Provided with recruitment brief and appropriate resources
4. Share recruitment materials and invite nominations

5. Sign application forms
6. Be proactive in encouraging nominee applications

Resources yet to be developed

1. Application form with skills audit
2. GB form specifying requirements
3. Member's recruitment resources (role expectations done – what else might they need?)
4. Protocols for an Annual Briefing session for local authority governors
5. Procedure for removing surplus local authority governors

Appointment Form overview

- Disqualification criteria
- Evidence of the extent to which they possess the skills and experience the GB desires
- Their commitment to undertake training to develop or acquire the skills to be an effective governor
- How they plan to contribute to the work of the governing body

Governing Body form

- Skills required
- Other eligibility criteria
- Term of office
- Frequency and time of meetings
- Committee structure and requirements

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From: **Keith Abbott, Director, School Resources**

To: **Education and Young People Services Cabinet Committee –
22 April 2014**

Subject: **DfE consultation “Fairer funding in schools 2015/16”**

Classification: **Unrestricted**

Electoral Division: All

Summary: This report informs the Committee of the DfE consultation on “Fairer funding in schools 2015/16”.

Recommendation:

The Education and Young People Services Cabinet Committee is asked to consider the information provided on the consultation.

1. Background

- 1.1 In 2010 the DfE made it clear that they intended to move towards a National Funding Formula (NFF) for schools. Changes introduced by the DfE in April 2013 were a substantial move in that direction and were the most significant changes to be introduced to school funding since Local Management in 1990/91. As Members will be aware from previous reports the changes introduced in 2013/14 severely restricted the number of factors that Local Authorities (LAs) and their Schools’ Funding Forum (SFF) can have within their formula to just 10 factors. It has resulted in more than 90% of a school budget being based upon pupil numbers and other related factors. This has removed almost all local authority discretion through those factors which had been developed in Kent with the Schools’ Funding Forum over many years to meet specific local needs and circumstances. As predicted this ‘simplification’ of the budget is having a detrimental impact upon a number of schools coming at a time of very low rolls in the secondary sector and considerable financial constraint. KCC is unable to help in these situations, as was the case with the previous funding arrangement. We are now in our fourth year of ‘flat cash’ settlements for schools, which also means that funding has in effect reduced in line with inflation and cost pressures such as energy.
- 1.2 The DfE had indicated that there would be further consultation before Christmas 2013 on the move towards implementing the NFF in 2015/16. This was delayed until late March 2014 when the DfE issued a consultation ‘Fairer funding in schools 2015/16’ but which was not the widespread consultation that LAs had been expecting. The consultation made it clear that the move towards a National Funding Formula would need to be tied into the next

Comprehensive Spending Review round. Consequently, the earliest that changes to school funding can be introduced is now 2016/17. The DfE did however accept that there was a case to improve the funding of schools in those authorities described by the DfE as 'the least fairly funded'. It announced that £350m of additional funding would be made available in the Dedicated Schools Grant (DSG) to schools in those authorities who were not being 'fairly funded'.

2. The consultation

2.1 The consultation is not the wide ranging one that was expected and it focuses solely on a set of proposals on how this new money should be allocated for 2015/16 only. Under current proposals 62 LAs will receive additional funding ranging from £24.8m for Surrey through to £01.m for Derby. Kent is one of those authorities whose DSG funding has always been towards the lower end of the national league table and as such we are a member of the F40 group – a pressure group of the worst funded LAs whose campaigning has been instrumental in persuading the DfE to look at the distribution of DSG and provide this one-off money for next year. However, although we currently rank 99th out of 151 LAs in terms of funding per pupil, and 62 LAs are likely to benefit from these proposals, Kent is not one of them. In common with some other members of the F40 group we will not receive any additional funding if this new money is allocated as currently proposed.

2.2 Whilst this consultation is limited to one-off funding for 2015/16 it does provide a clear indication of DfE thinking in terms of a NFF. The proposals for allocating the £350m are based upon minimum funding levels per pupil for the five following criteria:

- Age Weighted Pupil Unit
- Deprivation
- Looked After Children
- Low Attainment
- English As An Additional Language

These, together with changes to the lump sum available to each school and the sparsity factor, produce a minimum funding level per pupil for each authority. This has then been compared to the DSG (School Block) Guaranteed Unit of Funding (GUF) figure for each authority. Where the new minimum level is higher than the current Schools Block GUF then that authority will see an increase in its funding. In the case of Kent the new minimum figure is £4,276 per pupil but as our current Schools Block GUF is £4,367 Kent will not see any benefit from these changes.

3. The methodology

- 3.1 The current proposals have caused many LAs to contact the DfE to query their rationale. The Department has so far promised to make the data available shortly and respond to the queries. We have already raised our concerns with the F40 group who have identified the same fundamental problem that we have and are already discussing this further with the DfE.
- 3.2 The distribution of DSG between LAs has been an issue since it was created in 2006. Despite numerous changes to school funding no government has been prepared to look at this issue. It has been a flaw in every set of proposals and in common with other LAs it is something we have consistently highlighted in our responses to DfE funding consultations over many years. Since its creation it has been uplifted to address DfE priorities, inflation (though not in recent years) and the mainstreaming of specific grants, but from the outset it failed to reflect relative needs between LAs. The “spend plus” approach over the past 8 years has simply distorted that further.
- 3.3 Until 2013/14 there was a single GUF for each authority (£4,885 per pupil for Kent) and the DSG was simply an overall block of school and pupil related funding. The changes introduced by the DfE in April 2013 required all LAs to split the DSG into three funding blocks:
- Schools
 - Early Years
 - High Needs (SEN in effect)

Whilst the overall funding did not change (Kent still receives a GUF of £4,885 per pupil) this new system created separate GUFs for these three blocks and it is the Schools Block figure that the DfE have used for the purposes of comparison to the new minimum funding levels. The key weakness in this is that the Schools Block is, to all intents and purposes, the figure delegated to schools with a very small element of centrally retained budgets. However, if an authority retains centrally a high proportion of SEN funding that (under the new regulations) has to be allocated to the High Needs Block even if the funding is paid out or devolved to schools during the year. So, LAs with a lower level of delegation would generally have a lower GUF in the Schools Block and higher amounts within the Early Years and High Needs Block. As such they are likely to benefit from the new additional funding proposals.

- 3.4 From what we can see Kent is being penalised for having a high level of delegation to schools that includes much of the SEN activity still retained centrally by some authorities. The table below demonstrates the impact of this comparing Kent to Surrey and Bromley whose DSG GUF in 2012/13 was broadly similar to our own.

3.5 The table shows that although the three LAs share overall similar funding the outcome of the proposals is markedly different and would appear to be hugely influenced by how funding has been split across the three new DSG funding blocks. That split is largely driven by the degree and nature of the budgets delegated to schools or retained centrally. Given the changes introduced in April 2013 this mainly reflects the way in which SEN budgets are managed locally. Kent delegated a lot of SEN budgets/activity to its schools many years ago and has continued to do so. It would seem that we are now being penalised for delegating more to schools – something that has been in line with the policies of successive governments over the past 20 years and which has acknowledged the desire of Kent schools to have greater control and autonomy.

	Kent	Surrey	Bromley
	£s per pupil	£s per pupil	£s per pupil
2012/13 Overall GUF (same for 2014/15 because of “flat cash”)	4,885	4,804	4,944
Funding transferred to new Early Years and High Needs Blocks as result of 2013/14 funding changes	-518	-708	-862
2013/14 Schools Block GUF as a result of the 2013/14 changes	4,367	4,096	4,082
DfE Minimum Funding Level for 2015/16	4,267	4,282	4,534
Per pupil increase for 2015/16	0	186	461
% Increase per pupil for 2015/16	0	4.5%	11.3%
Total increase in DSG for 2015/16	0	£24.8m	£19.1m

4. Next Steps

4.1 The consultation closes on 30 April 2014. At the time of preparing this report we are awaiting further information from the DfE and the outcome of the work being undertaken by the F40 group before finalising our response. A draft response will be shared with the Schools’ Funding Forum following our presentation to them on 21 March as at that meeting they indicated that they would like some support in framing their own response as it will be in line with that which we intend to submit.

- 4.2 Our proposed response will broadly welcome the additional funding and recognition of the challenges faced by LAs with poorer funding but it will also highlight the issues about the methodology proposed and the fundamental flaw within it. We will also take the opportunity to raise again our concerns over the impact of some of the changes made in April 2013 and press again for the return of some local discretion in respect of the formula.

5. Recommendation

Recommendation:

The Education and Young People Services Cabinet Committee is asked to consider the information provided on the consultation.

6. Background Documents

- 6.1 DfE Consultation on school funding reform: Proposals for a fairer system

<https://www.education.gov.uk/consultations/downloadableDocs/July%2011%20Consultation%20on%20School%20Funding%20Reform%20FINAL.pdf>

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