

KENT COUNTY COUNCIL

SCHOOL ORGANISATION ADVISORY BOARD

MINUTES of a meeting of the School Organisation Advisory Board held on Wednesday, 17 October 2007 at Sessions House, County Hall, Maidstone.

PRESENT: Mrs V J Dagger (Chairman), Mr R B Burgess (Vice-Chairman), Mrs C Angell, Mr C J Capon, Mr A D Crowther, Mrs E Green (substitute for Mr A Poole), Mr M J Northey and Mr M J Vye. Mr R Bristow, Director of Education, Canterbury Diocesan Board of Education was also present.

OFFICERS: Dr I Craig (Director – Operations); Mrs A Osborne, Area Education Officer, Canterbury and Swale; Ms C Lay, Area Education Officer, Sevenoaks and Tunbridge Wells; Mr M Doole, Area Education Officer, Dover and Thanet; Nuala Ryder, Specialist Services, CFE; and Mr G Mills (Legal and Democratic Services).

ALSO IN ATTENDANCE: Mr M C Dance, Cabinet Member for Children, Families and Education – Operations, Resources and Skills.

UNRESTRICTED ITEMS

1. Minutes of the Meeting held on 11 July 2007

(Item 4)

(1) Mrs Angell referred to the first line of paragraph 4(5) of the Minute relating to Ethelbert Road Infants School which she said needed to be amended in order to clarify its meaning and intent. It was agreed that this line should be amended to read “Dr Craig agreed that this was an unusual case, and did sit within the policies set out in the Primary Strategy”.

(2) Subject to this amendment, the Minutes of the meeting held on 11 July 2007 were agreed as a true record.

2. Dates of Meetings - 2008

(Item 5)

The Board agreed its meeting dates for 2008 as follows:-

- 10 January – 10.30am – Darent
- 7 February – 10.30am – Council Chamber
- 19 March – 10.30am – Council Chamber
- 7 May – 10.30am – Council Chamber
- 12 June – 10.30am – Council Chamber
- 17 July – 2.00pm – Council Chamber
- 11 September – 2.00pm – Council Chamber
- 9 October – 10.30am – Council Chamber
- 5 November – 10.30am – Council Chamber
- 10 December – 2.00pm – Council Chamber

3. Tunbridge Wells Community High School – Proposed Change of Age Range to Remove the Sixth Form from the School’s Formal Designation
(Item 6 - Report by Director - Operations)

(1) This report sought the views of the Advisory Board on a proposal to regularise the position regarding the suspension of sixth form provision at Tunbridge Wells Community High School and to change the age range from 11 to 19, to 11 to 16 years only.

(2) Chris Lay said that Tunbridge Wells Community High School was currently designated as a school for students aged 11 to 19 years. The school’s sixth form was suspended from September 2005 on grounds of viability. The School Organisation Regulations do not, however, provide for temporary changes to the age range of a school. This proposal was therefore being brought forward in order to regularise the position and to bring it into line with legislative requirements. There was no prescribed consultation process that needed to be followed in these circumstances, however guidance from the DCSF suggested that it was good practice to seek the views of all stakeholders likely to be affected by the proposal. The school would therefore write to appropriate stakeholders and inform them of the proposal as detailed in the report. The Schools Governing Body had already expressed its full support for the proposal which was also supported by the Tunbridge Wells Cluster Board, the Learning and Skills Council and the local county Member.

(3) During the course of discussion, Members of the Advisory Board asked officers a number of questions during which assurances were given that the proposal would not hamper or reduce the educational opportunities for students attending Tunbridge Wells High School who wished to go on into higher education. There was a close working relationship between Tunbridge Wells High School and other schools within the Tunbridge Wells Cluster and the school had a particularly good working relationships with the Skinners School through which there were exchanges of teachers together with older students from the Skinners School acting as mentors for students at Tunbridge Wells High School. Among her questions, Mrs Angell asked particularly about the Governments ‘September Promise’ and how this would relate to the proposals. Dr Craig said he was unaware of the “September Promise” and would need to undertake further enquiries. He emphasised to Members the close links and support which exists within the area for students at Tunbridge Wells High School and there is already a strong programme in place in order to ensure the smooth transfer of post 16 students to other areas of education. There are excellent links with the West Kent Learning Federation which includes West Kent College and there were ongoing discussions with the aim to look to improve still further the links which the County Council has with schools and colleges in this area.

(4) Following further discussion, the Advisory Board agreed unanimously that a public consultation should be undertaken on revising the designated age range of students educated at Tunbridge Wells Community High School from 11-19, to 11-16 years of age.

4. Unit Review (Including Designated and Specialist Provision and Very Severe and Complex Need Support for Children and Young People with Special Educational Need at Mainstream Schools)

(Item 7 – Report by Director – Operations)

(1) Before discussion on this meeting, a supplementary paper was circulated which set out further information related to proposals for specialist provision and support in mainstream schools for children with special educational needs in the North West Kent Cluster, in Ashford and in Shepway.

(2) This report updated Members on the progress of the review of units and specialist designations and brought to Members attention the possible need for a statutory consultation in relation to some individual proposals. Mr Doole said the objectives of the review were to ensure that the pattern, diversity and organisation of provision reflected the changing needs of the pupil population; supported schools in becoming more inclusive and accessible to all learners; to reduce the long distances travelled by many children on a daily basis, thus eliminating stress for them and their families and reducing expenditure on transport and to ensure complimentary provision to that available in special schools. The proposals were the subject of ongoing close consultation with schools, parents, students and key stakeholders and other interested parties and the overall aim was to develop proposals at a local level which covered the full range of provision and took account of the need to ensure an appropriate range and mix of provision with any given locality.

(3) Some of the changes may require some proposals going through an individual public consultation process and legal advice was currently being sought as to which ones may or may not fall into that category. The legal advice was not available at the meeting but Mr Doole assured Members that any proposals requiring statutory consultation, would be reported to the Board. Any Phase 2 proposals requiring a statutory public notice also be reported to the Advisory Board following consideration by Cabinet of the over package of proposals at its meeting in February 2008.

(4) Members raised a number of questions related to transport, funding, parental choice, staffing implications, where do parents go to get help, support and advice and who will arbitrate if the preference of a parent and child cannot be met. It was also said that it would be important to monitor provision under these new arrangements, and for Members to be kept informed of outcomes.

(5) Dr Craig said that under this process the County Council would be commissioning with Local Children's Trusts, for provision which included health and social care and working with parents in order to identify the most effective choice of delivery for their child. If the child had a statement then it was the responsibility of the County Council to deliver the terms of that statement. If parents were not satisfied with the provision being provided then they could take that up directly with the County Council. Therefore in essence, the processes related to parental choice would not be any different from what they are now. Mr Doole said whilst guarantees could not be given, one aim of the proposals was to reduce the travel time for children and overall these should be fewer pupils travelling long distances. On the issues raised regarding funding, Mr Doole said that this would be monitored and that the Council would be able to demonstrate how resources were being distributed and what outcomes were being achieved. Nuala Ryder said that the funding proposals were detailed in the Appendix to the report to the Advisory Board but said it was proposed that for children with exceptionally high needs part of their funding would be taken into a central pot and kept as a contingency. This funding could be used

for example, to provide support in a mainstream school for a child who needed a high level of support. Mr Doole said that the proposals outlined in the report very much focussed on trying to build capacity and bring about change to parental perceptions. Having cluster lead schools would mean them being able to provide support and expertise to other schools within their cluster so that the children at those schools would be able to benefit from the lead schools expertise. Mr Doole also confirmed that parent groups had been closely involved in the consultations on these proposals and were represented on the Steering Group.

(6) Following further discussion, the Advisory Board noted the progress of the review and that, should it be necessary following legal advice, any individual proposals which required to be subject to a public consultation process, would be reported separately to a future meeting of the Board. The Advisory Board also noted that the Phase 2 proposals would be considered by the County Council's Cabinet at a meeting in February 2008 rather than in January as set out in the report.

5. Proposed Closure of Minster College and Cheyne Middle School and their replacement with an Academy, conditional upon a Funding Agreement forthcoming from the Department for Children, Schools and Families
(Item 8 – Report by Director – Operations)

(1) This report informed the Advisory Board of the steps necessary to achieve the secondary phase of education within the two-tier system on the Isle of Sheppey.

(2) Mrs Osborne circulated a supplementary paper together with a letter dated 16 October 2007 from the Project Manager of Mouchel Parkman. The supplementary paper explained that the sponsors and the Minister, Lord Adonis had decided to defer the proposed opening date of the Academy to September 2009. Mrs Osborne explained that despite this the proposed date for the submission of the application for funding arrangement would not change and this still had to be submitted by December 2007. Also, the change of date would not affect the proposed programme for the appointment of a Principle Designate or the programme for the procurement of the design and construction of the new buildings. Mrs Osborne also confirmed that the admission arrangements for year 9 entry to Minster College in September 2008 would be sent out by KCC Admissions Department.

(3) During the course of discussion, Mrs Angel said that she understood the situation and the reasons for the delay but wondered if Members could not have been advised of the delay at an earlier stage. Mrs Osborne said that as the Academy was independent of the local authority, it was its sponsors who undertook all the consultations. The report by Mr Maurice Smith was only available to the County Council in September and as far as it was able to the Council had done its best to ensure that Members and Key Stakeholders had received information at the same time that the County Council had received it. As part of this process, Mrs Osborne said that she had attended a number of meetings of the Swale Local Board and had met with Members of Swale Borough Council.

(4) As a local Member Mr Crowther said that he had been happy with the consultation process and was happy with the report which had been prepared by Mr Maurice Smith. However, he did have some concerns and felt that in order to give emphasis to the message that this was a new school providing a fresh start no pupils should be transferred to the Academy until the building programme was completed. Mr Crowther also said that rather than refer to these sites as 'Academy East' and 'Academy West', he believed they should be known respectively as Cheyne

Academy and Minster Academy. Mr Crowther also asked whether the Academy would be open to students from communities such as Sittingbourne and Faversham.

(5) Mrs Osborne said that because the design and construction of an Academy always takes a number of years, they always open and operate for a period of time in the existing buildings. However, this Academy would benefit from new leadership and new funding streams from the day it opened. Mrs Osborne also said that the sponsors were keen to signal a change to the education arrangements on the Isle of Sheppey and were intending to run a competition inviting people to put forward their suggested name for the Academy. Dr Craig said those who wished to attend the new Academy would be able to do so, subject to availability of places. Also, the delay in the opening was not something the County Council had any control over. Mr Bristow said that he supported the delay in opening the Academy as he thought it would help address some of the concerns which had been expressed by Mr Crowther. The delay would also give the opportunity for construction of some of the new buildings to be got underway. Mr Burgess said that with the introduction of secondary transfer and the construction of the Academy, this would allow wider parental preference and give an opportunity for there to be a two way flow of students on and off the Island. Mr Burgess said he supported the ethos of the Academy but whilst he welcomed its specialist nature he was concerned that this could be diluted because of the split over two sites. Mrs Green said based on her experience of the Marlowe Academy in Ramsgate, the sooner this new Academy was opened the sooner it would establish its own ethos and own profile within the community.

(6) Following further discussion, the Advisory Board noted that the issue of a Public Notice would now be necessary. The Notice would propose the closure of Minster College and Cheyne Middle School to replace these schools with an Academy now due to open in September 2009 subject to the Department for Children, Schools and Families Funding Agreement.

6. Schools Applying for Foundation Status *(Item 9 – Report by Director – Operations)*

(1) This report informed Members of the Advisory Board of the current situation regarding Trust Status, and recommended a process for responding to and the reporting of those proposals.

(2) Dr Craig said that the original status of “Foundation School” was set out in the Schools Standards and Framework Act 1998. Foundations Schools, like Aided Schools employed their own staff and held their own buildings and land “in trust” from the Local Authority. Currently, there were 57 Foundations schools in Kent (13 primary and 44 secondary), and 91 Aided schools (78 primary and 13 secondary). Although the Government was not requiring all schools to become “Foundation”, they are being strongly encouraged. This encouragement sits logically alongside the Government’s (and Kent’s) views that local authorities should divest themselves of much of their day to day operational responsibilities and become more strategic. The DCSF had instituted a “fast track” process, which involved a governing body consulting on a proposal for a minimum four week period. They are required to consult with the host local authority as part of that process, and at the end of the consultation period the governing body can decide whether to publish a Public Notice in accordance with the required legal regulations. Unless there are very good reasons not to do so, the change of status would be agreed by the DCSF.

(3) A number of Kent schools are currently considering foundation status, and more are likely to do so. Two schools, Maidstone Grammar and Broomhill Bank have undertaken consultations which required responses from the local authority. In consultation with the Cabinet Member, the County Council had not submitted any objections. Dr Craig said in general the consultation period did not usually allow to prepare and bring a paper to the Advisory Board for a view on whether to object.

(4) Mr Vye spoke about the admission arrangements currently relating to Maidstone Grammar School, and said generally, at the end of the day, everyone would be dependent on the decisions taken by the adjudicator. What would therefore be significant would be the consistency of those decisions. Mr Northey referred to Recommendation 3(2) and recommended that the local Member should be included in those to be consulted. This was agreed. Mrs Angell said, and it was agreed that a list be prepared of those schools currently considering foundation status and for this to be reported to an appropriate meeting of the Advisory Board. Mr Bristow referred to Recommendation 3(1) and asked that after the word "contrary" in line 1, the words "the presumption will be", be added. This was agreed.

(5) The Advisory Board agreed that:-

- (i) unless there are very good reasons to the contrary, the presumption will be the local authority will not oppose any governing body wishing to move to Foundation or Trust status;
- (ii) the Director (Operations) will consult with the Cabinet Member and appropriate Local County Member(s) before responding to a consultation on Foundation of Trust status;
- (iii) responses will be reported to the next available meeting of the School Organisation Advisory Board.
- (iv) a list of those school currently considering a move to Foundation status would be report as appropriate to a future meeting of the Board.