

From: Patrick Leeson, Corporate Director of Education and Young People's Services,
Roger Gough, Cabinet Member for Education and Health Reform

To: Education and Young People's Services Cabinet Committee - 15th
April 2015

Subject Oasis Academy, Hextable: Closure

Non-Key Decision

Classification: **Unrestricted,**

Electoral Division: Swanley Division : Robert Brookbank

Summary:

This report sets out the circumstances of the decision by the Secretary of State for Education to approve the closure of Oasis Academy Hextable, and explains the consequences for Kent County Council, indicating the likely challenge of providing sufficient school places for pupils in Sevenoaks and Dartford districts. It describes the arrangements that will be put in place for pupils currently attending Hextable Academy.

Recommendation(s):

The Education and Young People's Services Cabinet Committee is asked to consider and note:

- i) the action in relation to the closure of Oasis Academy Hextable;
- ii) the relocation of the Speech and Language Unit to the Leigh Academy;
- iii) the need to review pupil place planning for the secondary phase in the Hextable, Swanley and Dartford area;
- iv) and the need to determine the future of the Hextable site.

1. Introduction

1.1 Following the decision by the Secretary of State for Education, received on Friday 13th February 2015, to close Oasis Academy Hextable, this report is intended to brief the Education and Young People's Services Cabinet Committee of the circumstances and consequences of the closure, and draw attention to likely future decisions that will need to be taken in relation to ensuring there are sufficient school places to meet anticipated need in Hextable, Swanley and Dartford.

1.2 The local Authority opposed the closure on the basis of on-going need for Secondary school places in the area. Our objections were considered by the DfE but the Secretary of State still approved the closure. Oasis Academy

Hextable was only sponsored and managed by Oasis Community Learning Trust (OCL) for less than a year before a proposal was made to seek closure on the basis of falling pupil numbers attending the school. The Local Authority took the view that this was an unreasonable action to take in the light of the projected need for places in the near future.

2. Relevant history and Context

- 2.1. Oasis Academy Hextable is a non-selective Secondary school located in Hextable. As Hextable School it was judged to “require improvement” by Ofsted in June 2013, having previously been in special measures. The possibility of closing the school was considered and rejected by KCC on the basis that there was a medium and long term strategic need for school places in the area because of rising numbers already in Primary schools. An academy sponsor was sought by the DfE and Oasis Community Learning Trust was appointed to run the school by the Secretary of State for Education. The Trust had carried out its full due diligence before taking over the school, including an assessment of its pupil numbers and finances.
- 2.2. Hextable School became an academy within OCL multi-academy trust on 1st September 2013. Soon afterwards OCL became concerned about low and falling numbers on roll at the school and alerted Kent County Council and the Department for Education (DfE) of its concerns early in 2014. Following discussions with both DfE and KCC in December 2014, it made a formal request that its Funding Agreement to operate Oasis Academy Hextable be terminated on the grounds of the unviability of the school. Kent County Council opposed the proposal on the grounds that school number projections indicated that in the medium and long term, Secondary school places would be required in north and west Kent. After consideration, the DfE announced on 13th February 2015 that it accepted OCL’s request, although it acknowledged KCC’s strategic concerns about school place planning, and recognised that new provision would need to be commissioned.
- 2.3. Notwithstanding KCC’s concerns about the strategic implications of the removal of school places, officers have worked closely with OCL and the Academy Headteacher to plan the practical steps needed for the implementation of closure. The main focus of this work has been to coordinate the offer of alternative school places to current Hextable pupils.
- 2.4. Current Year 7, 8 and 9 pupils (x150) have all been offered places at alternative schools and academies in the local area. Their parents retain their right to express a preference for a place at any school, and these will be considered in accordance with each school’s admissions policy. The process has been managed well overall and it is the expectation that all pupils will transfer to their new school no later than September 2015. OCL has agreed to fund one set of uniform including sports kit for each young person transferring to an alternative school.
- 2.5. Current Year 11 pupils will have the opportunity to seek places in schools and colleges for their post 16 learning. Current Year 13 pupils will leave school at the end of this academic year and embark on work, further education or training. Current Year 10 and 12 pupils will complete their courses at Hextable

through the 2015-16 school year. The school will finally close to all pupils at the end of summer term 2016.

- 2.6 On the termination of OCL's funding agreement with the Secretary of State, the Hextable site will revert to KCC.
- 2.7 The decision to close Oasis Academy Hextable was not taken by KCC, therefore no alternative options were available. KCC continued to make the case for the retention of the academy, whilst also acknowledging its current difficulties in the short term. Options for providing sufficient school places in the medium and long term will be brought forward in line with further analysis of pupil number forecasts as part of KCC's Education Commissioning Plan

3. Policy Framework

- 3.1 This report does not relate directly to a plan or strategy set out in the Council's Policy Framework. The planning of school places across the county is made in the context of the Commissioning Plan for Education Provision in Kent which is revised and adopted every Autumn. The most recent revision relating to 2015-2019 was considered by the Education and Young People's Services Cabinet Committee on Wednesday 24th September 2014.

4. Financial Implications

- 4.1 Oasis Academy Hextable is an academy operating under a funding agreement between the Secretary of State for Education and OCL, which means its main revenue and capital budgets are provided by the Education Funding Agency (EFA). The costs of closure will fall to OCL. This includes the costs associated with transferring current pupils to alternative schools and maintaining the school for the 2015/16 school year. Redundancy and severance costs will fall to OCL.
- 4.2 Kent County Council is likely to incur ongoing costs related to the security and maintenance of the site when it is returned to the ownership of the Council. The return to Council ownership has been confirmed by the Regional School Commissioner for the South East. The extent and duration of these costs are currently unknown, and will depend on future decisions on the long term future of the site. Officers in Property and Infrastructure Services have been commissioned to undertake the necessary studies to quantify the associated costs.
- 4.3 Whilst the number on roll at Oasis Academy Hextable is currently low, it is known that demand for Secondary school places in the area will increase as the large year groups currently in Primary school reach secondary school age. There can be no doubt that new places will have to be commissioned within the next 2-3 years and this is likely to require significant investment either by KCC or the DfE. Growth will occur across Dartford as well as in north Sevenoaks. However, there are few sites suitable for commissioning new Secondary school provision, which means existing Secondary schools will need to be approached to consider the possibility of expansion.
- 4.4 The Speech and Language Unit within Oasis Academy Hextable is funded by the EFA and Kent County Council. The EFA funds a fixed number of places and KCC funds on a per pupil basis. The Unit will now transfer to Leigh

Academy. The cost to KCC will therefore not be affected by the closure of Oasis Academy Hextable, and will continue to be driven by the number of pupils allocated to the Unit through statements of Special Educational Need, or Education, Health and Care plans. There should also be no additional cost to KCC in relation to relocating the SLU.

- 4.5 The cost of home to school transport should be no greater in the short term as a consequence of the closure of Oasis Academy Hextable. This is because the average distance to the alternative schools offered to displaced pupils is shorter than the average distance currently travelled by pupils to Hextable. In the longer term costs are likely to rise due to pupils being offered places further from their homes as pressure on the available places arises. It is not possible to quantify the possible additional travel costs at this stage.

5. Legal implications

- 5.1 The closure of Oasis Academy Hextable will require KCC to commission additional school places to meet its statutory duty to provide school places for all children requiring a place in the near future. However steps will be taken to secure additional places before this becomes a substantial risk. KCC owns the freehold of the Hextable site, which is leased to Oasis Community Learning. The lease will terminate on the termination of the academy funding agreement, with full ownership reverting to the County Council.

6. Equalities implications

- 6.1 Some vulnerable and disadvantaged groups may be adversely affected by the closure of Oasis Academy Hextable. The school hosts a Speech and Language Unit (SLU). It has been agreed with the Leigh Academies Trust that this will be relocated to the Leigh Academy, supported by the existing specialist staff at OAH.
- 6.2 The school has a number of gypsy and traveller children on roll. It has had particular success in supporting the education of this group. KCC's Gypsy Roma Traveller Outreach Officer is working with the parents of those children to assist in finding appropriate alternative school places. However, there is a risk that parents will not wish to place their children into alternative provision
- 6.3 The closure of any school by definition reduces opportunities for parental preference, however no particular group will be disproportionately affected.

7. Public Health implications

- 7.1 The site of Oasis Academy Hextable is large (approximately 15 hectares). Therefore by losing this education provision there is the possible loss of access to significant outdoor space and playing fields. As stated previously the future use of the site it is still to be determined.
- 7.2 Another issue that is still to be resolved is the future of the Dance Studio facility that is on the site, which was used by both the school and local community groups. This is explained in paragraph 8.2 below.

8. Property portfolio

- 8.1 KCC owns the freehold of the Oasis Academy Hextable site, which was granted to OCL on a 125 year lease. The DfE agrees that full title to the site will return to KCC when OAH finally closes on 31st August 2016. It is recognised that KCC has a medium and long term requirement to provide Secondary school places in North West Kent and the site may be needed for this purpose. However, Members should note that the Secretary of State retains the power to require the site to be made available for a Free School.
- 8.2 South East Dance has a lease on premises on the site which were built with Arts Council Funding. This lease is directly with KCC rather than OCL and so is not directly affected by the closure of the academy. Property and Infrastructure Support officers will be advising on any measures that may be required to ensure access to the South East Dance building, and provision for parking is maintained.
- 8.3 There is a caretaker's house adjacent to the school. The lease on the house will be terminated in accordance with the terms of the contract of the caretaker when the academy closes.
- 8.4 Property and Infrastructure Support officers are working on plans to ensure the return of the site and buildings to the full ownership of the Council is properly managed in liaison with Oasis Community Learning, and that arrangements will be in place for their on-going security and maintenance.
- 8.5 The Director of Property and Infrastructure Services will be delegated all necessary powers in relation to the return of the site to KCC and its security and safety. Longer term decisions about options for the site will remain with Cabinet.

9. Provision of Secondary School Places

- 9.1 The Corporate Director of Education and Young People's Services will be delegated all necessary powers to manage the council's role in the closure of Oasis Academy Hextable, ensuring the quality and continuity of Secondary school provision for current pupils, and bringing forward proposals to commission such provision as may be required to meet future needs.
- 9.2 The closure of Oasis Academy Hextable has already led to a shortfall of Year 7 places in maintained schools and academies in north Sevenoaks and Dartford districts, for the allocation of places for September 2015. For the first time KCC has had to offer Secondary school places at schools located in the London Boroughs of Bexley and Bromley to Kent resident children. This is likely to be required increasingly as larger cohorts reach Secondary age in the next couple of years. Most of the Secondary schools in the area will be full to capacity across many year groups once the displaced Hextable pupils have been accommodated. This is likely to lead to problems for families with Secondary age children moving into the area, who will be unlikely to be able to secure a place in a local school. This could have consequences for KCC's home to school transport budget as such children would be entitled to

assistance from the Council. It is proposed to bring forward plans to increase Secondary school provision in this area, in the very near future as part of the next update of the Education Commissioning Plan in Autumn 2015.

10. Conclusions

- 10.1 Following the closure of Oasis Academy Hextable, the medium and long term forecasts show that school places will be required in the area. This presents some serious challenges for Kent County Council in meeting its statutory duty to offer a school place to all children requiring a place in the near future.
- 10.2 Work is already underway to identify options to commission additional places to meet anticipated need, either by expanding existing schools and academies or commissioning new schools. This will include the consideration of how the Hextable site and buildings can contribute to meeting the longer term need for school places in the area. A further report will be brought to Education and Young People's Services Cabinet Committee when options have been identified and their feasibility assessed.
- 10.3 KCC will continue to work closely with OCL and other local schools and academies to ensure that the closure of Oasis Academy Hextable is implemented efficiently and that the educational needs of Hextable pupils are given priority throughout the closure process.

11. Recommendation(s):

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- iv) and the need to determine the future of the Hextable site.

12. Appendices to report

13. Background Documents

Kent Commissioning Plan for Education Provision 2014 – 2019

http://www.kent.gov.uk/_data/assets/pdf_file/0018/16236/Commissioning-plan-for-education-provision-in-Kent-2015-2019.pdf

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