

Brighton & Hove City Council

For general release

Meeting: Children Families & Schools Sub-Committee

Date: Monday 1 December 2003

Report of: Director of Children, Families and Schools

Subject: East Brighton College of Media Arts

Wards Affected: All

1. Purpose of the Report

- 1.1 To provide for Members a summary of the outcomes of the formative consultation, which has been conducted since the meeting of the Sub Committee on 8 September 2003 approved the recommendation for consultation.
- 1.2 To summarise the further work which has taken place on the 'small school model'.
- 1.3 To provide the rationale for the recommendation below.

2. Recommendation

- 2.1 That the Local Education Authority publish statutory notices proposing to discontinue East Brighton College of Media Arts from 31 August 2005.

3. Background

- 3.1 The history of the school on this site has been rehearsed in previous reports. The school has been caught in a spiral of declining performance and falling rolls. Successive Education Acts have reinforced the right of parents to express a preference for their child's school; parents in East Brighton have chosen other schools in the City. Under pressure, those schools have expanded their capacity. This year, COMART is running at 50% capacity and the trend in numbers is downwards. This was the case even before the review of the school's future was announced.
- 3.2 All mainstream schools receive a budget based on a formula closely linked to pupil numbers. There are additions to the basic allocation per pupil, particularly for those pupils with special educational needs. COMART has benefited from these additions. Furthermore, the school has received significant grants from the DfES, as a 'Fresh Start' school,

and the Local Authority has underwritten the recurring deficits. In spite of this level of financial support, the school is still not self-sufficient. A balanced budget has been set for this financial year but it relies on grants, one of which comes to an end in March 2004. Other grants are being used, quite properly, to provide the full KS4 curriculum in association with another secondary school.

- 3.3 The school has suffered from frequent changes in leadership and management over the last five years. Performance in examinations and levels of attendance have both been poor. There is a loss of parental confidence in the school. Questionnaire and interview evidence indicates that these parents will not be recaptured by the school. The prospect of reviving the school by increasing pupil numbers is remote especially since the emigration pattern to other schools is well established. As City wide pupil numbers fall to a probable plateau by 2010 and all pupils can be accommodated in nine schools with capacity to spare, there would have to be a radical change in parental perception of other schools for the outflow to be reversed in COMART's favour.

4. Formative Consultation

- 4.1 The school and the community were alerted to the intention to consult on the future of the school by the paper submitted to and approved by Children, Families and Schools Sub Committee on 9 June 2003. The various meetings and discussions which took place during the summer did not form part of the consultative process. This opened following the decision of Children, Families and Schools Sub Committee on 8 September and Policy and Resources Committee on 17 September 2003.
- 4.2 The first meetings were with staff and governors and in the early evening of the same day, September 18th, with parents of pupils at the school. They had been invited by letter posted to their homes. A meeting was arranged for 22 September for other members of the community. This was publicised through community notice boards. It was not well attended. The attendees at these meetings objected to the proposed closure of the school and wanted firm information about the arrangements proposed for their children in the future.
- 4.3 All further meetings were held in the form of 'drop in' sessions in the afternoon in primary schools in the area and in the early evening at secondary school venues across the City. These were publicised by letters sent through school post and by the distribution of leaflets through libraries, doctors' surgeries and other information points City wide.
- 4.4 The 'drop in' sessions attracted few people but generated intense debate among those who attended. Their comments are summarised in Appendix Two to this report. Attendees were mainly concerned about

admission to secondary schools and about the impact that more applicants would have on the chance of obtaining a place in the school of their choice for their child. Some believed that the dispersal of existing students from COMART would have an adverse affect on the standards and ethos of their child's school. Some were genuinely concerned to ensure that East Brighton children enjoyed equal opportunities in education and accepted that this might require the closure of the school.

- 4.5 A correspondence address, a voicemail number and an e-mail address were provided so that people could respond in a range of forms.
- 4.6 A questionnaire was sent to parents of all registered pupils in secondary schools in the City, other than COMART, with a BN2 5-- postcode. These are the parents who have made a positive choice not to send their child to their nearest secondary school, COMART. More than 20% returned the questionnaire. Their responses are summarised in Appendix Three. It is this response which has led officers to the conclusion that COMART is unlikely to recapture the younger children of those families who have already chosen another school. A high degree of satisfaction with their choice was expressed by a large majority of respondents.
- 4.7 The New Deal for Communities body, eb4u, has expressed the widely felt concern at the loss of the secondary school in a regeneration area. If the school were to close, eb4u would work closely with the LEA in determining how their education targets may be met while working with all the secondary schools in the City. They will also consult with the LEA on how the transition strategy would best be handled and the further work on attendance which should be intensified before dispersal.
- 4.8 The polarised response was anticipated. Parents of current pupils at COMART want the school to stay open; parents of pupils who could be directed to COMART would prefer that it closed if they could be assured of a place in the school of their choice. There were some well reasoned arguments for the right of parents to have a local school accompanied by a growing understanding of the difficulty of providing a high quality education in a very small secondary school.

5. The 'small school' model

- 5.1 The leadership and management team installed in the school by the LEA at the beginning of this term has been successful in producing a positive atmosphere and better attendance and behaviour. The leadership team and the staff are to be congratulated on this achievement. This improvement has fired local hopes that the school has turned the corner. The progress, while extremely welcome, is fragile. It depends on a variety of temporary arrangements and considerable goodwill. However, officers had undertaken to explore the small school model

further and this process is described below. The current COMART leadership team has assisted with this process.

- 5.2 Officers have carried out further research to identify small secondary schools working in circumstances similar to COMART. DfES research identified a number of small secondary schools where more than one third of the pupils were claiming free school meals. Most were performing poorly and several were in closure processes. One school with a roll and free school meal profile very close to that of COMART had achieved 56% 5 A*-C in 2002 and 51% in 2003 with its pupils. This has been further investigated. See Appendix Six.
- 5.3 Help with the technical aspects of designing a small school structure has been offered to local action groups but not taken up. One submission has been published which proposes more time to consult and quotes recent Ofsted/Audit Commission research on the impact of expanding popular schools in areas of socio-economic deprivation, see Appendix Five. The government has confirmed, in response to this report, that their policy continues to be that of meeting parental preference.
- 5.4 Officers and advisers have explored with all secondary heads the model of a 'collegiate school'. This would involve a federation across COMART and several secondary schools, with City College as an additional provider post-14, to provide a core national curriculum. Core staff would be employed full time at COMART and a broader range of options and specialisms at Key Stage 4 provided by teachers from – and sometimes at – other institutions. Detailed modelling indicated that even with these apparent economies in staffing, there would be an irreducible minimum of staff to provide the stability of a form teacher for each class, with a lean management structure. If the school were to continue to attract the 80, who joined this year's new intake, the overall roll would be c400, which was the costing model illustrated in the Appendix to the Committee report in September. This produced a recurring annual revenue budget deficit of between £300,000 and £400,000. The 'collegiate model' would have similar costs.
- 5.5 An alternative model, which saw the Key Stage 4 (14-16) curriculum provided by a post -16 provider, using the new freedoms and flexibilities to introduce a more vocational curriculum, would suit some but not all of the students. With very small cohorts, it would be difficult to provide a traditional GCSE route in parallel. This would deny some students the opportunities they deserve. It would also mean that the core staff of the school would be teaching Key Stage 3 only – about 240 pupils. They would need to teach all ten subjects of the national curriculum, religious education and citizenship. There would be no continuity of pastoral care in to Key Stage 4 since there would not be enough core staff to provide form tutors for the 14 – 16 year olds.

- 5.6 The key question to ask of any 'small school' model is whether it could provide the quality of education required and succeed long term even with subsidy. The Local Action Group argues that the school should be given five years to develop and extend itself into a greater community resource. The Authority would need to feel confident that this provided a better educational opportunity for the school's pupils than the alternative in another City School. An alteration to the funding formula for schools would be required to recognise the decision to maintain a very small secondary school.
- 5.7 Officers and advisers do not believe that the educational scenarios described in paragraphs 5.5 and 5.6 above would provide an acceptable quality of education and level of pastoral care and support. For the reasons set out in paragraph 4.6, officers do not believe that the school will attract rising numbers over the next five years especially against a background of a declining roll city wide. Even if the aspiration of the Local Education Action Group to create an extended school providing a range of services to the local community were realised, it would not automatically enhance the quality of the educational experience. COMART would remain a school too small to provide the breadth and depth of the curriculum to meet the range of needs and interests of all its students.
- 5.8 Officers have concluded that none of the models explored offer a viable future for this school. Continuing and growing subsidy would enable the authority to meet the requirements of the national curriculum at Comart. It would not alone ensure that the school was successful. Funding a continuing decline is unacceptable when an alternative and better education could be provided elsewhere. As none of these models appear to be viable, it is not proposed to follow them up further in an additional consultation exercise.

6. Further information

- 6.1 Should notices to close this school be published, a plan to protect the education of current students will be required. There are costs associated with running a school to closure. The most important task is to mitigate the impact on students. Precautionary arrangements are in hand to ensure that students whose examination courses would be half way through at the point of closure have the chance to start those courses in another school in September 2004. This does not pre-empt the decision of the Sub-Committee or the School Organisation Committee and the arrangements could be reversed if a decision were made not to publish notices or the proposal were to be unanimously rejected by the SOC.
- 6.2 The bus company has been alerted to the implications of a possible closure. Calculations of the cost of home to school transport have been made.

- 6.3 Discussions with the heads of all secondary schools about pupil dispersal and a future pattern of admissions have been held.
- 6.4 Arrangements are in hand to support staff at COMART in their career decisions. This will be a continuous process to ensure that the school remains staffed while individuals make the right decisions about their next post.
- 6.5 Curriculum planning for 2004/05 is taking place for two possible outcomes: managing the school towards closure or maintaining the school for the foreseeable future in the context described in section 5 of this report.

7. Financial information

- 7.1 An analysis of the financial risks was presented to this sub committee in September. This analysis is further provided at Appendix One to this report.
- 7.2 The financial risks outlined in Appendix One remain current. Work on quantifying the risks has continued since the report in September but the major risks are still subject to extensive negotiation with the PFI provider and its bankers. The Chief Finance Officer has received initial indications of the PFI 'buy – out' cost but these are unqualified and releasing them at this stage could compromise negotiations with the PFI contractor.
- 7.3 A number of the smaller financial risks have been quantified and these costs have been incorporated in the attached Appendix One.

8. Consultation

- 8.1 There has been consultation with a range of stakeholders. Written or transcribed responses are available for examination. Summaries are attached to this report in Appendix Four.
- 8.2 The submission from the Local Education Action Group is attached as Appendix Five.
- 8.3 There has been a statutory consultation on the School Organisation Plan 2003 – 2008. The consultation on the future of East Brighton College of Media Arts is consistent with the policy described in Section 4 of the Plan. The Plan received the approval of the School Organisation Committee on 21st October 2003.

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Financial implications

The Financial Implications are set out within this report, both in section 7 and in Appendix One.

Finance Officer consulted: Peter Sargent Date: 11th November 2003

Legal implications

1. Information was given about the procedure and the role of the School Organisation Committee (SOC) in the report of 8 September 2003. Some of this is repeated below with further points relevant to this stage of the process.

2. In outline, the procedure for dealing with major proposals affecting a school involves

- (a) deciding whether to put forward proposals for consultation,
- (b) consultation,
- (c) deciding whether to publish formal proposals,
- (d) publishing the formal proposals,
- (e) assuming objections are received, deciding whether to refer the proposals to the SOC for decision,
- (f) assuming the proposals are referred to SOC, awaiting a decision of SOC & implementing the decision,
- (g) if SOC is unable to reach a decision, reference to an independent Adjudicator for decision,
- (h) awaiting a decision of the Adjudicator & implementing the decision.

2. Currently, the Council is at stage (c) above.

3. If the Council decides to publish formal proposals, it will be necessary to give public notice, to enable objections and comments to be made within a 6 weeks "representation" period. The Council must also forward a copy of the notice and certain prescribed information to SOC. This independent Committee will make the decision on whether or not to close the school, except in the unlikely event that there are no objections outstanding when the representation period closes.

4. It remains possible for the Council to withdraw the proposals at any time until a decision has been made by SOC and, therefore, if the Sub-committee decides to press on to the next stage, any objections and comments in response to the formal notices should be considered by the Sub-Committee in February and not automatically referred to SOC.

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5. In progressing any proposals, as well as observing the requirements of the legislation, the Council must have regard to guidance issued by the Secretary of State. The report has been drafted having regard to the legislation and guidance.

6. As well as the education implications and financial implications, dealt with elsewhere in the report, Members will also need to have regard to the human rights implications. The most relevant is Article 2 of the first protocol to the European Convention. The main provision of this states that no person shall be denied the right to education. There is also a requirement to respect the right of parents to ensure that their children's education shall be in conformity with their own religious & philosophical convictions, but only so far as is compatible with the provision of efficient instruction & training and the avoidance of unreasonable expenditure.

Lawyer consulted: John Heys Date 13th November 2003

<p>Corporate/Citywide implications A change from ten to nine mainstream secondary schools would affect the education of students citywide. All parents of school age children will have an opportunity to comment further on the proposal if the Sub-Committee authorises the publication of notices proposing discontinuance. A possible change of use of the present COMART site will affect all City Council activities.</p>	<p>Risk assessment A full risk assessment has been carried out. The risks to educational quality are judged to be greater if the school is not closed. The financial risks of closure are significant and are set out in the body of the report.</p>
<p>Sustainability implications It has not been judged possible to continue to maintain this school on the grounds of quality and financial viability. Closure will cause greater numbers of pupils to travel to school. This increases daily journey numbers and will affect environmental sustainability</p>	<p>Equalities implications Provision of education in a robust and successful secondary school will secure greater equality of opportunity for East Brighton students.</p>
<p>Implications for the prevention of crime and disorder Strategies to ensure regular punctual attendance at school will be reinforced. East Brighton students will be educated in schools which have higher attendance levels than prevail at COMART. School attendance is key to the prevention of day offending.</p>	

Background papers
CFS Sub-Committee 9th June 2003
CFS Sub-Committee 8th September 2003
Responses from consultees

Contact Officers

Elizabeth Wylie, Assistant Director, Strategic Planning and Services to Schools

Tel: 01273 293433