

Brighton & Hove City Council

For general release

Meeting: Children Families and Schools Sub-Committee

Date: Monday 9 February 2004

Report of: Director of Children, Families and Schools

Subject: Statutory Proposal to discontinue East Brighton College of Media Arts

Ward(s) affected: All

1. Purpose of the report

- 1.1 To inform members of the response to the statutory notices on the proposal to discontinue East Brighton College of Media Arts. Statutory notices were published on 5th December 2003
- 1.2 To provide members with the Authority's observations on the representations for their perusal.
- 1.3 To seek approval to continue the closure process.

2. Recommendations

- 2.1 That the objections and comments submitted in response to the statutory notice proposing to discontinue (close) East Brighton College of Media Arts from 31 August 2005 and the draft observations on them be noted.
- 2.2 That the continuation of the closure process and the approach being taken in relation to the draft observations be approved.
- 2.3 That the Director of Children, Families & Schools be authorised to send to the School Organisation Committee for the area, all the objections and comments made to the Council during the period specified in the public notice, together with the Council's observations on them.

- 2.4 That the Director Children, Families and Schools be delegated all necessary powers to progress the proposed closure through the School Organisation Committee and, if that Committee cannot reach a decision, through the adjudication process.
- 2.5 That it be confirmed that the Call-in process shall not apply as, in the Sub-Committee's opinion, its decisions in this matter are urgent, because delay would seriously prejudice the Council's interests and result in failure to comply with statutory time limits for the submission of the objections and comments to the School Organisation Committee.

3. Information/background

- 3.1 Children, Families and Schools Sub-Committee, at their meeting on June 9th 2003 approved a proposal to review the future of East Brighton College of Media Arts (Comart). Officers were required to investigate options for the College and to bring forward proposals as a basis for public consultation, to the meeting of Children, Families and Schools Sub-Committee on September 8th 2003.
- 3.2 At the Sub-Committee meeting on September 8th 2003, the proposal to consult on one option only, the closure of Comart, was approved. A period of formative consultation started on September 17th 2003 and closed on October 31st 2003.
- 3.3 The outcome of the consultation process was reported to CFS Sub-Committee at their meeting on December 1st 2003. This report also contained the result of further investigation by officers in to the viability of small secondary schools. Officers had commissioned national research to identify schools in similar circumstances. There are small secondary schools in rural areas where their continuation is more economic than mass pupils movement. There are some small schools which are growing year on year. The small secondary schools in urban areas generally suffered from the same difficulties in Comart.
- 3.4 The small school which stood out and merited further investigation was in South Birmingham. This school is of similar size and socio-economic profile as Comart but its pupil performance at GCSE is excellent. Officers and heads arranged to visit the school to understand the factors contributing to its success. The school stands in the physical heart of the estate it serves and is co-located with the public library, the South Birmingham ICT centre and the Social Inclusion Centre. It benefits from the resources and expertise in these centres. All the families on the estate use the school. No pupil travels in from beyond the estate.

- 3.5 The key differences between this school work Comart were
- Physical location in the heart of the community
 - Local loyalty to the school
 - The synergy of the co-located facilities with a secondary school.
- 3.6 Officers concluded that these features could not be translated to Comart and that it would not be possible to maintain a secondary school of the quality to which East Brighton students are entitled, within the available resource. The publication of statutory notices to close Comart was recommended to the Sub-Committee and approved. Statutory notices were published on December 5th 2003.
- 3.7 The reasons for the Council taking this radical step are dealt with in the Sub-Committee reports to which paragraphs above refer. A further summary is given below.
- 3.8 The school had twice been subject to “Special Measures” by Ofsted because of poor pupil outcomes and the unsatisfactory quality of teaching and learning. Attendance was poor. Declining rolls were both cause and consequence of this sequence of critical reports.
- 3.9 Parental preference for secondary school places had put the other City Secondary Schools under pressure to expand and ensured that roles at Comart declined. While there is no single accepted level of pupil numbers at which a secondary school can be deemed viable, the operation of the national funding formula means that at numbers below 600, an 11-16 secondary school will require grant support to provide the full range of opportunities to its pupils. Successive small groups entering at Year 7 provide a projected pupil roll by 2006 of below 400.
- 3.10 The School has recently been sustained by grants from Central Government and subsidy from the City Council’s education budget. Central Government grants cease at April 2004 and the Council’s education budget can not bridge the gap. The funds come from all other City Schools.
- 3.11 Extensive research was conducted to establish what, if anything, would cause parents in East Brighton to reverse their preference for other City Schools and choose Comart for their children in the future. The high level of response to that research questionnaire indicated that the trend to emigration was too well established to be reversed. It is not possible, therefore, to project a viable future for a secondary school on this site.

- 3.12 None of the representations provided new evidence that the school would be viable in the future or that its continuation would be in the best educational interests of young people in East Brighton. The extended professional debate and the national research carried out during the Autumn of 2003 was summarised in the report to CFS Sub-Committee on 1st December.
- 3.13 Following statutory consultation, the conclusion is unchanged.
- 3.14 It is proposed that East Brighton secondary age students should be educated at the nine remaining secondary schools in the City. Provisional arrangements have been made for the movement of current students by September 2005. All students can be accommodated although there will be some temporary pressures in Key Stage 4 year groups. All nine secondary schools are good and / or improving schools.
- 3.15 Arrangements for secondary transfer in 2005, when Comart would no longer be available to Year 7 pupils, will fall within the established admissions arrangements. East Brighton pupils will have choices.
- 3.16 As mentioned above public notice was given on 5 December 2003, see Appendix one for copy. It was published in the 'Evening Argus' on 5th December 2003 and displayed outside East Brighton College of Media Arts and in nine other local places. These were Stanley Deason Leisure Centre, Valley Social Centre / Whitehawk Community Association, Post Office (Whitehawk Way), EB4U (Wellsbourne Centre), Post Office (Whitehawk Road), Whitehawk Library, Whitehawk Family Centre, Whitehawk Primary School and Whitehawk Youth Centre. Regular checks were conducted to ensure that the notices remained in place for the six week period of statutory consultation. Copies of the statutory notice were sent to the consultees listed in the guidance published by the DfES.

4. Responses to the public notice

- 4.1 There were 32 letters making representations. These are listed in Appendix Two and the Authority's comments are given. There was one petition with 50 signatures, summarised at Appendix Two.
- 4.2 The representations make the following points
- The community should have a local secondary school
 - The school should be given more time to improve and demonstrate viability
 - The Consultation period was too brief

- Every community is entitled to a community school
- Closing the secondary school would make it impossible to regenerate the area
- East Brighton children will be bullied at other schools
- There will be a negative impact on local primary schools
- Families will not move to an area without a Secondary School.
- Alternative options have not been fully explored
- Truancy will increase
- Parents will not be able to afford bus fares.
- The cost of buying out of the PFI contract makes it better to subsidise the school to continue.
- The Council has not considered the social cost of closure
- Local views were ignored in the report to the Committee.

4.3 Each point arising has an individual response in Appendix Two. Many of the issues are raised in slightly varied form. All the representations and comments will be included in the material sent to the School Organisation Committee, if the Committee agrees to forward the proposal to SOC.

4.4 Copies of the representations received have been placed in the Members rooms.

5. Financial Implications

5.1 In reaching its decision in relation to this matter, the Committee should have regard to the financial information contained in the report on part 2 of the agenda. Taking this information into account, it is still the Officers recommendations that the closure process should continue.

6. Consultation

6.1 The consultation has been conducted in accordance with the published guidance relating to School Organisation Proposals.

COMMITTEE REPORT APPENDIX



Meeting/Date	CFS Sub-Committee 09 February 2004
Report of	Director of CFS
Subject	Statutory Proposals to discontinue East Brighton College of Media Arts
Wards affected	All

Financial implications

Financial Implications are discussed within this report. Full financial implications are explored in the Finance report also seen at this Committee

. Finance Officer consulted: Mark Ireland Date 28th January 2004

Legal implications

1. 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 (e) above.
 3. As objections and representations have been received and not withdrawn in response to public notice (stage (d) above) the Council is not permitted to make the closure decision itself.
 4. If the Council decides to continue with the closure process it must refer the matter to SOC within a month of the closure of the representation period. This independent Committee will make the decision on whether or not to close the school. The Council is required to send to SOC all the representations and objections made to the Council during the period specified in the public notice, together with the Council's observations on them.
 5. It remains possible for the Council to withdraw the proposals at any time until a decision has been made by SOC.
 6. If SOC is unable to reach a unanimous decision (excluding abstentions) then the proposed closure will be referred to an Independent Adjudicator for decision.
 7. 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.
 8. As well as the education implications and financial implications, dealt with elsewhere, 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 as far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure.
- . Lawyer consulted: John Heys Date 22 January 2004*

<p>Corporate/Citywide implications A change in the pattern of provision of secondary education will affect the work of a range of departments and agencies. This is incorporated in the planning for change.</p>	<p>Risk assessment .The risks are quantified in the risk matrix attached to the report of 1st December 2003</p>
<p>Sustainability implications .The nine remaining secondary schools are educationally sustainable and resources will be more effectively used.</p>	<p>Equalities implications The pupils will have access to high quality education in a viable school.</p>
<p>Implications for the prevention of crime and disorder There will be additional arrangements to secure attendance and good behavior among pupils required to travel further for their education.</p>	
<p>Background papers CFS Sub-Committee 08 September 2003, 1st December 2003.</p>	
<p>Contact Officer Elizabeth Wylie, Assistant Director, Services to Schools and Strategic planning, 01273 293433</p>	