

**Kirklees Council
Children's Scrutiny Panel
7th August 2019**

**Call In Review of Cabinet Decision in relation to Future options for
Almondbury Community School**

As set out in the cover report to this appendix, the Council's Constitution states that the Panel had three options available to it;

- (1) To take no further action and free the decision for implementation
- (2) To refer it back to Cabinet with recommendations for amendment
- (3) To refer it back to the next Council, if the Panel considered that the decision was not made in accordance with the budget or policy framework

The Panel had sought advice from the Assistant Director: Legal, Governance and Commissioning and was satisfied that the third option did not apply in this instance.

The full decision of the Panel is as follows:

The Children's Scrutiny Panel considered a call-in review request of the decision made by Cabinet on 16th July 2019 in respect of future options for Almondbury Community School. The panel focussed the review on the areas of capacity, openness and lawfulness.

The Panel heard from all parties both in person and in writing; evaluated relevant points raised in the call-in request form; and weighed up the evidence in respect of the decision. The Panel also considered all relevant background information to understand the rationale behind the decision and if it was made in accordance with the Council's decision-making principles of relevant considerations, openness and lawfulness.

The Panel thanked everyone for taking the time to give evidence which had assisted the Panel in reviewing the decision. The Panel appreciated that this is an emotive issue for those affected, but has focused on the facts informing the decision made by Cabinet.

The Panel understands the significant impact on pupils, parents and staff at Almondbury Community School and have deliberated at length about how some of the information around the decision has been communicated with the community. There needs to be careful thought given to the support available for children and parents. In future, better consideration needs to be given around communication, engagement and the timeliness of the sharing of information with those affected.

Having considered all the information provided, the Panel's recommendations are:-

(1) That the decision be freed for implementation, but that Cabinet must consider the following learning points:-

Capacity

The Panel is satisfied that all relevant factors were taken into account including the Local Plan, however, this was not explained as clearly as it could have been in the Cabinet reports or the consultation documentation.

Whilst the Panel is reassured that there is sufficient capacity in the system, they acknowledge that if Almondbury Community School closes there will be limited choice at local schools from September 2020. It is not clear about where pupils will be allocated places in September 2020.

Openness

It appears that all relevant financial information has been taken into account, but the Panel felt that this could have been more clearly stated in the Cabinet report.

It appears that an assumption was made at the outset that the school was not viable and would fail a due diligence test for academisation. Whilst that might be right, the rationale for making that assumption was not fully explained in the Cabinet reports, for example, the fact of the school operating a £500k deficit budget only became apparent at the July Cabinet meeting. In future the Panel would like Cabinet to ensure that there is better explanation within reports.

Lawfulness

The Panel can understand why signatories to the call-in raised issues given the complex nature of the decision making process. The Panel accepts that the statutory notice was correctly published and acknowledges the legal advice given.

(2) That regular updates on Almondbury Community School be considered by the Children's Scrutiny Panel.