

Name of meeting: Cabinet

Date: 16th July 2019

Title of report: Future options for Almondbury Community School – Final Decision Report

Purpose of report: The report sets out the outcomes from the representations received in response to the published statutory proposal to change the upper age range of Almondbury Community School by changing the age range of the school from age 3 –16 years to age 3 – 11 years.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Mel Meggs 8 th July 2019
Is it also signed off by the Service Director (Finance)?	Eamonn Croston 8 th July 2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (John Chapman) 8 th July 2019
Cabinet member portfolio	Cllr Carole Pattison– Schools and Aspiration Cllr Viv Kendrick – Children's Services

Electoral wards affected: Almondbury

Ward councillors consulted: Yes

Public or private: Public

Has GDPR been considered? Yes

Kirklees Council's absolute priority in bringing forward these proposals is to help children and young people fulfil their potential. It wants all children to have the best start in life and to benefit from excellent standards of care and education, both now and in the future.

The Council recognises there is uncertainty for many families. If the changes is approved, all affected families will continue to be offered personal support so that transitions are smooth and any disruption is minimal.

Almondbury Community School is, like all of Kirklees schools, a vital part of the local community in which it resides. The Council recognises this and the passion its staff, pupils and parents have for it. It is vitally important for local children to experience a broad curriculum in a setting which is secure and sustainable for the long term. The

Council knows this can have a major impact on young people achieving their desired outcomes, enhancing their opportunities in life. This has been its intention from the start of this process. It wants what is best for Kirklees' children so they are guaranteed the best start in life. Sometimes this entails taking difficult decisions that some may not approve of. The following paper details the Council's proposal to enable this.

1. Purpose of the report

1.1. Secondary education

- To advise Members on the outcome of the statutory process on the proposal to change the age range of Almondbury Community School from age 3 –16 years to age 3 – 11 years on 1st September 2020.

At the Cabinet meeting on 29th May 2019 the '*Future options for Almondbury Community School – Outcome Report*' Cabinet approved officers to move to the next stage of a statutory process which was to publish the statutory notice and proposal. The Local Authority (LA) are making one prescribed alteration that is to change the upper age range of the school, thereby removing the secondary phase of the school.

- To advise Members of the conclusions of the School Organisation Advisory Group (SOAG) regarding the proposal.
- To advise members of the officer conclusions that there are projected to be sufficient secondary school places to meet the likely pupil demand for school places in Huddersfield South East and South West over the next ten years without the need for the permanent secondary places at Almondbury Community School.
- To advise that Members make the decision to approve the statutory proposal to change the age range of Almondbury Community School.

1.2. Primary education

- To advise Members that a 210 place mainstream primary school for the Almondbury community should be retained.

At the Cabinet meeting on 29th May 2019 the '*Future options for Almondbury Community School – Outcome Report*' Cabinet approved officers to move to the next stage of a statutory process.

A prescribed alteration is not required to enable changes to the planned admission number (PAN) of the primary phase from 60 (KS1) and 110 (KS2) to 30 (starting from September 2020) across both Key Stage 1 and Key Stage 2, thereby resulting in 210 places across Reception to Year 6 (to be phased in over time).

DfE Guidance explains 'If an admission authority of a mainstream school wishes to increase or decrease PAN, (The LA in the case of community and voluntary controlled (VC) schools)...this would be classed as an admissions change, not a prescribed alteration.' In line with the School Admissions code, the LA may propose a variation in PAN where they consider such changes to be necessary in

view of a major change in circumstances. Such proposals must be referred to the Schools Adjudicator for approval.

- To remind Members that as Almondbury Community School is a school with an Ofsted judgement of Special Measures, there is a requirement for the school to become an academy, sponsored by a Multi Academy Trust. An Academy Order was issued by the Regional School's Commissioner on the 16th May 2019.
- To advise Members that the retention of a Primary School as a sponsored academy is subject to a due diligence process. As outlined in the report of 29th May, in the letter accompanying the academy order from the Regional Schools Commissioner *'The Secretary of State has the power to revoke this Academy Order. This would usually only happen in exceptional circumstances, predominantly where following due diligence a school is judged to be financially unviable. Where this is the case, the expectation is that the local authority will take steps to close the school.'*

2. The statutory process regarding the statutory proposal

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process be followed, set out by law when making certain changes to a Local Authority Maintained school.

The Department for Education (DfE) publish guidance for such changes, *'Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018)* and is included at appendix 1.

The regulations state that because Almondbury Community School is a community school, Kirklees Council is able to propose the change, and, as long as published proposals are determined within 2 months of the end of a statutory representation period, the Council is the decision maker.

The DfE guidance explains that as the proposer the LA must follow the four stage statutory process set out below;

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision

Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker
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The DfE guidance states that *‘Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.’*

This report reviews the performance of the first two stages of the statutory process to confirm that they have been carried out in full compliance with the legislation and relevant Department for Education (DfE) guidance. The proposals are presented for the consideration of Cabinet as decision makers so that they can then determine the related proposals.

When Kirklees Council Cabinet, as decision maker is considering the proposal it has to have regard to the guidance issued by the DfE, *‘School Organisation. Making significant changes (‘prescribed alterations’) to maintained schools. Statutory guidance for proposers and decision-makers October 2018’*.

2.1. Non-Statutory Consultation

On **19 March 2019** (and following an Ofsted inspection at the school) Kirklees Council Cabinet authorised officers to undertake a non-statutory consultation about future options for Almondbury Community School in the context of the wider basic need for school places across Huddersfield South East and South West. The rationale for undertaking the non-statutory consultation was because;

- Numbers on roll at Almondbury Community School have been for a number of years, consistently lower than the number of available places, currently in most year groups Almondbury Community School is undersubscribed between 40-60%.
- As the funding for schools is predominantly driven by the numbers of pupils on roll, this has resulted in lower rates of income which has contributed to some significant challenges in balancing a budget. This in turn impacts on the breadth of curriculum and educational offer that can be provided in Key Stage 3 and 4 and the outcomes for pupil attainment.
- On the 11 February 2019, following an inspection in December 2018, Almondbury Community School was judged by Ofsted as requiring Special Measures. The Secretary of State for Education has a duty under Section 4(A1) of the Academies Act 2010, (as inserted by the Education and Adoption Act 2016), to intervene where a school is eligible for intervention and make an Academy order to allow it to become a sponsored academy as part of a Multi Academy Trust (MAT). The Secretary of State’s powers in this area are exercised by Regional School Commissioners (RSC).
- Finding a Multi Academy Trust sponsor for Almondbury Community School in its current form ie serving pupils from Nursery through to Key Stage 4, would be very difficult when due diligence processes are undertaken. This is due to

very low pupil numbers and the associated budget challenges this creates in enabling a sustainable educational offer both now, and into the future. This takes into account the future child population requiring school places, the number of available places in the Huddersfield South East and South West area and any future impact of likely house building.

- There are opportunities to provide enough high quality, inclusive school places for children in the area in a different way.

2.1.1. In line with the decision taken at Cabinet on the 19th March, the following proposals were developed to enable a non-statutory consultation to take place. The proposals that were consulted upon were to;

- Change the age range of the school from age 3 –16 years to age 3 – 11 years (to be implemented from September 2020).
- Change the planned admission number of the primary phase from 60 (KS1) and 110 (KS2) to 30 (starting from September 2020) in both Key Stage 1 and Key Stage 2, thereby resulting in 210 places across Reception to Year 6 (to be phased in over time).
- Admit no new pupils into year 7 from September 2020.

2.1.2. The proposals acknowledged that this would also require the Council to;

- Work with neighbouring schools (King James’s School and Newsome High School) to realign the existing Almondbury Community School secondary Priority Admission Area (PAA) so that future children have priority for their secondary education in one of the neighbouring secondary schools.
- Explore the opportunity to work with King James’s School to create 30 additional planned places from September 2020 (so that over time there are an additional 150 secondary places at the school i.e. 5 year groups x 30 places). To achieve this there would need to be capital investment in the school buildings.
- Work with the Regional Schools Commissioner who would secure an Academy sponsor for Almondbury Community School as a future primary school.
- Consolidate Almondbury Community School as a future primary school into the current KS1 building on Fernside Avenue.

2.1.3. At a meeting on **29th May 2019** Kirklees Council Cabinet received detailed feedback from the non-statutory consultation. As part of the consultation 358 responses were received as well as a petition with 1254 entries ‘against closure of Almondbury Community School’ / ‘Save our school and jobs from closing’. The consultation process did not elicit additional factors that had not been thoroughly considered prior to making the proposals put forward for non-statutory consultation. The current available number of school places exceeds the current and future pupil population, and even taking into account future housing growth, this would not result in an alternative option that could secure the financial viability and educational sustainability of Almondbury Community School in its current form. Taking account of the current position faced by the school, the consultation responses, officer commentary to key themes

raised as part of the non-statutory consultation members approved that officers to publish the statutory proposal and notice and allow the requisite representation period for Almondbury Community School.

2.2. Publication and arrangements for representations as part of the statutory consultation period.

On the 7th June 2019, a statutory notice (appendix 2) was published in the Huddersfield Examiner. Links to the statutory notice and statutory proposal (appendix 3) were also sent to staff and families of pupils from the school. The statutory notice was posted at the main entrances to the school on 7th June 2019. From the publication date of 7th June 2019 the full proposal was available on the Kirklees Council website at: www.kirklees.gov.uk/schoolorganisation and was available upon request as a paper copy. Any person was able to object to or comment on the proposal by sending such objections or comments in writing to the Director for Children's Services using a Freepost address or by emailing school.organisation@kirklees.gov.uk. On 4th July 2019, after the statutory 4 week period, the representation period ended. During the representation/statutory consultation period the Council received 51 responses.

2.3. Decision: The role of the Kirklees School Organisation Advisory Group (SOAG)

The Local Authority is the primary decision maker for school re-organisation proposals and under Kirklees arrangements, the Cabinet of Kirklees Council is the decision making body. Under School Organisation Regulations, if the Cabinet of Kirklees Council is unable to make a decision within 2 months of the end of the statutory representation period, then the decision passes to the Schools Adjudicator.

The Kirklees School Organisation Advisory Group (SOAG) was established by Cabinet on 12th September 2007 to advise the Cabinet on school organisation decision-making matters. The constitution and purpose of SOAG is attached at appendix 4. SOAG exists to provide advice to Cabinet on compliance with the required statutory process, but Cabinet is the decision maker.

2.3.1. Review of the statutory process to change the upper age range at Almondbury Community School by change the age range of the school from age 3 –16 years to age 3 – 11 years

Kirklees SOAG met on 5th July 2019 to consider the statutory process and to formulate advice for the Cabinet as decision makers about compliance of the process. A note of the meeting is attached at appendix 5.

2.3.2. Statutory process check by SOAG

The details relating to the statutory process for the statutory proposals are set out in relevant check sheets (attached at appendix 6). The processes that were followed in relation to the proposal were checked with appropriate evidence that each point had been completed.

2.3.3. SOAG conclusions about the process

The statutory notice, statutory proposals and statutory processes are compliant with requirements published by the DfE guidance and within the required decision making time limits;

- Non statutory consultation has been carried out.
- The published statutory notice complies with statutory requirements.
- The proposals are not related to any proposals published by the EFA. The proposals are valid and are able to be decided by Kirklees Council Cabinet.
- The statutory four week period has been allowed for representation.
- The decision have been brought to cabinet on 16 July 2019, which is within two months after the end of the statutory four week representation period which ended on the 4 July 2019.

The SOAG did recognise that whilst there had been the opportunity for pupils to respond to the non-statutory consultation and that some pupils had done so, it did wish to recommend that any similar non-statutory consultations in the future should plan for arrangements to be made in order to specifically engage pupils in the consultation process. This recommendation to not change the SOAG advice about compliance of this process.

2.3.4. Factors to be considered in making the decision about the statutory proposal.

In order to support decision making by Cabinet, a range of factors have been considered. These factors are derived from the guidance issued by the DfE: '*School Organisation. Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers October 2018*'. Factors can vary depending upon the nature and type of proposal. The full list of factors is presented in appendix 7, accompanied by officer responses to the relevant factors for these proposals.

2.3.5. Type of decision

The decision maker can make one of four types of decision for the statutory proposals once it is satisfied that 'the appropriate fair and open local consultation and representation period has been carried out and that the proposer has given full consideration to all the responses received' (DfE Guidance);

- *Reject the proposal;*
- *Approve the proposal without modification;*
- *Approve the proposal with modifications, having consulted the LA and/or GB (as appropriate): or*
- *Approve the proposal with or without modification, - subject to certain conditions (such as the granting of planning permission) being met.*

Following the SOAG review, officers recommend, subject to the consideration of any further matters raised at the decision-making meeting, that the statutory proposals for Almondbury Community School are able to be considered for a final decision.

3. Information required to take a decision

3.1. Changing the age range of Almondbury Community School from 3 -16 years to 3-11 years - Factors to be considered in making the decisions about the related statutory proposals.

In order to support decision making by Cabinet, a range of factors have been considered. These factors are derived from the guidance issued by the DFE: *'School Organisation. Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers October 2018'*. Factors can vary depending upon the nature and type of proposal. The full list of factors alongside the representations and representation themes associated with each decision making factor are presented in appendix 7

The relevant decision making factors are listed below alongside the representation themes and the rationale for the proposals which address the reasons for decision making. There is however crossover between some decision making factors and equally some representations and the rationale for the proposal. This approach to presentation by no means should constrict a holistic view of the information required to make a decision as outlined in 2.3.5 above.

3.1.1. Consideration of consultation and representation period

Representation themes:

- Representation states that they Oppose/ Object to the proposal
- Representation states that the proposal has created uncertainty and want clarity and support during the process
- Representation states that this proposal is causing disruption again at Almondbury Community School
- Representations have questioned the consultation and decision making process for this proposal.
- Representation states that local residents were not informed of the proposal
- Representation states that the proposal would disadvantage families who have children in the all though school.
- Representation states that the proposal is having a negative impact on mental health for pupils at the school
- Representation states that the proposal is not child centred
- Representation states that the LA should support the school
- Representation states that the proposal is a result of the negative media attention.

Rationale for the proposals:

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process be followed set out by law when making certain changes to a Local Authority Maintained school. The Department for Education (DfE) publish Guidance for such changes, 'Making significant changes ('prescribed alterations') to maintained schools: Statutory

guidance for proposers and decision-makers - October 2018). The regulations state that because Almondbury Community School is a Community school, Kirklees Council can propose these changes, and, as long as published proposals are determined within 2 months of the end of a statutory representation period, the Council is the decision maker.

The DfE Guidance explains that as the proposer the LA must follow the four stage statutory process set out below;

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Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision- maker

The DfE Guidance states that 'Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.

A four week non-statutory consultation took place between 27 March 2019 and 23 April 2019, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties.

The non-statutory consultation was very important and valuable in understanding the views and anxieties of those affected by the proposals. School re-organisation is emotive for all those involved, including parents, pupils and staff.

The purpose of non-statutory consultation is to allow interested parties to give their views and to generate possible alternatives for consideration. Consultation is not a referendum on a proposal. Decision Makers are required to make a strategic decision on behalf of all families now and into the future.

During the consultation process there were no additional factors that had not been thoroughly considered prior to making the proposals in relation to the available number of school places which exceeds the current and future pupil population. Even when taking into account future housing growth, this would not result in an alternative option that may secure the financial viability and educational sustainability of Almondbury Community School in its current form.

Considerable effort went in to ensuring that the consultation could engage with as many of those affected by the proposals as possible. Individuals and groups were encouraged to feedback their views. The views of everyone were considered against the rationale underpinning the proposals. This consultation outcome report explains clearly how the views expressed in the consultation have been evaluated and taken into account. Cabinet report on 29th May 2019: [Future options for Almondbury Community School – Outcome Report](#)

On 29th May 2019 Cabinet agreed for LA officers should start the next stage of the process and publish the statutory notice/proposals. On 4th June 2019 a statutory notice was published in the Huddersfield Examiner and a statutory proposal was published on the [School Organisation and Planning](#) website.

- All parents/carers at the school were notified about the proposals.
- Emails with links to the statutory notice and proposal were sent to;
 - Staff at Almondbury Community School
 - Heads of neighbouring school
 - Trade Unions
 - Ward members
 - The local Church of England diocese;
 - The local Roman Catholic diocese

In total there were 51 representations received during representation stage. All representations have been considered and made available in this report with the intention of aiding decision makers.

It is important to acknowledge the praise and passion parents have for Almondbury Community School and its staff, as shown through responses to the non-statutory consultation and in the representation period. However, the school remains in a difficult position regarding the number of pupils in the secondary stage and the impact this has on viability and quality of the education offer due to the limitations of only being able to offer a very narrow curriculum choice. The recent Ofsted judgement of Special Measures means the school is eligible for intervention, and the usual course of action for it to become an Academy, sponsored by a Multi Academy Trust. For Almondbury Community School this is not likely to be possible under the current form of the school, due to viability and lack of foreseeable opportunities for this position to change.

Parents understandably want more answers and certainty about the future. Some of these answers and certainty cannot come until after a decision has been made about the future of the school. Only working together with

individual families and following the careful planning for transitional arrangements will all the answers become available.

3.1.2. Education standards and diversity of provision

Representation themes:

- Representation states the proposal would affect the children's grades at the school
- Representation states concern staffing levels at the school.
- Representation states that the GCSE syllabus would be different at different schools
- Representation states difficult for children to settle in a new school.
- Representation states that staff were leaving the school because of the proposal.
- Representation states that staff were badly treated by the LA
- Representation asking if other options have been explored
- Representation states that other secondary schools in the area could not accommodate the extra children
- Representations stated that King James's School is full and cannot accommodate the extra pupils
- Representation questioned if this proposal is dependent on King James's extension
- Representation suggesting that King James's have a dual site
- Representations state that Newsome High School was judged by Ofsted to be 'inadequate'
- Representations state that the proposal will not support quality of teaching
- Representation states that if the proposal is agreed they would take their child out of the school and home educate their child
- Representation states that the proposal is short sighted and places will be needed in the future
- Representation states that the proposal does not give information about school curriculum
- Representation states that the proposal to change the catchment area is not clear

Rationale for the proposals:

This proposal is intended to improve outcomes for children. By taking a strategic approach Kirklees Council wants to ensure that sufficient secondary school places are available in Huddersfield South East and South West and maximise opportunities to;

- Offer high quality and inclusive education and diversity of provision to all

- Provide a breadth of curriculum offer that enables young people to have access to the widest opportunities to fulfil their aspirations and ambitions
- Be financially viable and therefore have future security
- Promote equality of opportunity
- Strengthen community cohesion
- Use sustainable travel and transport for school

In setting out the information in the report that went to Cabinet on 19th March 2019 the options that were available to the Council for their decision making were;

A. The Local Authority proposing a full closure of Almondbury Community School

B. The Local Authority proposing to retain Almondbury Community School, but remove and phase out the secondary provision (Key Stage 3 and 4), consolidate the school as a 210 place primary provision (with Nursery) in the current Key Stage 1 building on Fernside Avenue and seek an Academy Sponsor (in partnership with, and approved by the RSC).

Officers recommend that option B is taken forward in order to retain necessary Key Stage 1 and 2 places for Almondbury, and the wider Huddersfield South East area.

By making a change to the upper age range, and removing the secondary phase of the school would enable the primary phase to become a sponsored academy, thereby retaining provision locally.

The 29th March Cabinet report made reference to the options to retain the school in its current format but concluded it was not a credible option. This is because of the current and future child population who require/will require a secondary school place compared to the number of available secondary school places is much lower. This effects the school budget which is not viable and therefore the ability to convert to an Academy in the current format.

Dialogue with officials at the Regional School Commissioner office confirmed that a due diligence exercise would be required. 'Where a maintained school is judged inadequate by Ofsted the RSC is under a duty to make an academy order. Before the RSCs exercise this duty, they may consider the viability of the school.' Given the low pupil numbers and the associated budget challenges, passing due diligence processes and finding an Academy Sponsor would have been highly unlikely. The Regional Schools Commissioner is able to direct the Local Authority to close a school in circumstances such as these.

The limited breadth of the curriculum which can be offered because of the current pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.

Intensive support and improvement activity is already being provided to Almondbury Community School to ensure the best possible educational outcomes for existing pupils in these challenging circumstances. Experienced school leadership has been brokered and an Interim Executive Board is governing the school. For the pupils currently on roll it is imperative that this would continue to be available to ensure the planning for transition is appropriately resourced.

3.1.2.1. Sufficient places

Almondbury Community School is in the secondary planning area of 'Huddersfield South & East and Kirkheaton'. The adjacent secondary planning area of 'Huddersfield South West (Newsome only)' is particularly relevant in the assessment of sufficient secondary places. The schools and number of available places per year group are detailed in the table below;

Planning Area	School Name	Y7 PAN 2019/20 by school
Huddersfield South & East and Kirkheaton	Almondbury Community School	120
	King James's School	186
	Netherhall Learning Campus High School	131
	Total	437
Huddersfield South West	Newsome High School and Sports College	183
	Total (Newsome only)	183
Overall number of places available each year group across both planning areas		620

PAN – Planned Admission Number

The table below shows the child population resident in the 2 planning areas in each year group for Year 7 to Year 11 and future Year 7 cohorts from September 2019 to September 2026, based on NHS population data February 2018.

Pupils resident in	Future secondary school age pupils								Secondary school age				
	Y7 2026	Y7 2025	Y7 2024	Y7 2023	Y7 2022	Y7 2021	Y7 2020	Y7 2019	Y7 2018	Y8 2018	Y9 2018	Y10 2018	Y11 2018
Planning area													
Huddersfield South East and Kirkheaton	473	436	490	501	492	519	478	499	488	554	463	450	467
Huddersfield South West (Newsome only)	148	122	131	149	136	147	135	153	110	140	113	129	126
Total pupils resident across both planning areas	621	558	621	650	628	666	613	652	598	694	576	579	602

Across these secondary planning areas, a significant number of children are accessing school places outside the area where they live;

- On average around a quarter of secondary age pupils are attending schools outside the planning areas (i.e. on average 160 pupils per year group)

Therefore, this impacts upon the number of children who are on roll at the schools in the planning area, meaning some schools have unfilled places. Given the size of schools in surrounding areas, future child population cohorts and longstanding patterns of parental choice this position is not expected to change significantly.

At present, a total of approximately 300 pupils attend the secondary phase of Almondbury Community School (which covers Year 7 to Year 11) and this means half of the available places are not taken.

In summary, approval of this proposal would result in 500 secondary places being offered in these planning areas. With on average 160 pupils accessing school places outside the area there would be sufficient places to accommodate the expected future population cohorts which average 622 per year between 2020 and 2026 resulting in an average of 38 surplus places per year.

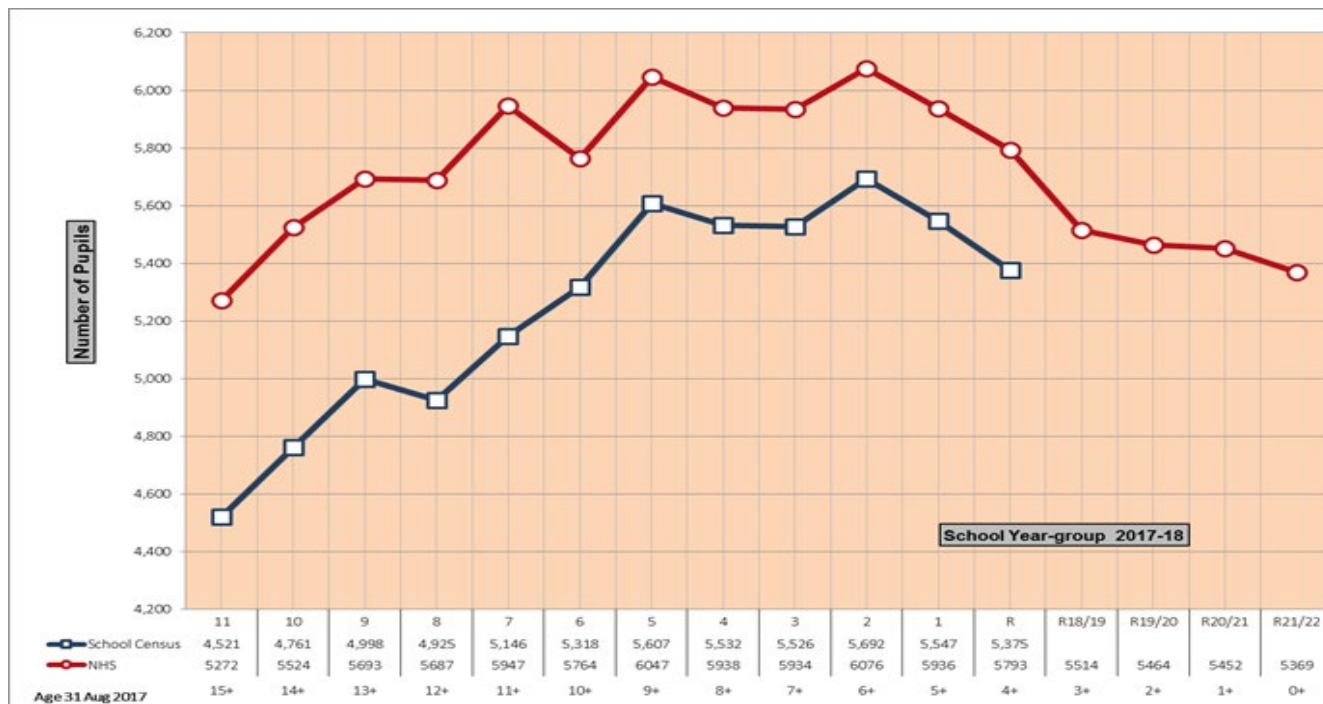
This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. If the proposal is implemented the Council will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

Work is on-going with local secondary schools to explore the opportunity for a small increase in places to enable greater parental choice and meet any future demand resulting from new housing developments.

Under transitional arrangements for existing pupils from September 2020, additional transitional places would be made available working in partnership with other local schools. The use of the Almondbury Community School Key Stage 3 and 4 building is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

Questions have been raised through representations about the sufficiency of secondary school places evidence. One illustration which was included discounted all 186 places per year group being offered currently by King James's School for which there is no reasonable rationale. Other representations highlighted the planned house building in the Kirklees Local Plan. Whilst significant house building is expected this will be over a the 15 year period of the Local Plan and will therefore provide no more than gradual impact on the viability challenges experienced by Almondbury Community School and the evidence presented associated with sufficiency of school places. A significant factor is the evidence of a declining population and this extends beyond the modelling below to 2026. Although there are geographical variations, house building will help to counter the decline in child population rather than present a challenge to the sufficiency of places. There is a widespread decline in the primary phase and future reception cohorts which will form future secondary school cohorts within the local plan period as illustrated in the following graph:

Year Group Numbers 2017-18 – NHS Data and Kirklees School Pupil Census



Sources: NHS GP registration data February 2018 - Kirklees Public Health
 Kirklees School Census January 2018 – Information Unit, Directorate of Children’s Services

The above graph also illustrates a difference between child population and the number of mainstream school places accessed (school census). This is due to a number of factors including those accessing education in non-mainstream provision, private schools and those who have elective home education. For Huddersfield South and East alone this represents on average 39 secondary phase pupils per year who do not take a place in mainstream schools. This provides an additional cushion to modelling provided above and the basic need for school places.

Beyond Huddersfield South & East and South West there is also evidence of population decline in other areas where many parents living in the Huddersfield South & East and South West currently preference a place such as Holme Valley, Honley and Meltham. Here, Year 7 cohorts drop from an average of 457 in 2019 and 2018 to an average of 337 in 2025 and 2026. This will provide an increased opportunity for parents to secure a place in popular secondary schools in these areas should they wish.

Ultimately this proposal does not restrict the opportunity to expand places in the future in good quality viable schools to continue to ensure there are sufficient places should this be needed.

3.1.2.2. Education Standards

To offer breadth at Key Stage 4 a school needs a combination of enough pupils, and a range of teachers able to teach the specialisms.

Most small schools will be able to offer the English Baccalaureate (Ebacc) (English, mathematics, science, Modern Foreign Languages and history/geography) because these subjects are taught at Key Stage 3 and therefore it is possible for the subjects to be taught by specialist staff.

Other subjects such as art, music, dance, design technology are not large subjects at KS3 and can also be quite specialist and therefore less likely to feature in the KS4 offer.

The subjects that are just at KS4 are for the same reason unlikely to be offered, such as, business, health and social care, sociology, graphics, psychology, law and BTECs in a range of subjects etc.

It is widely accepted that to be able to run a reasonable KS4 offer there would need to be around 120 pupils in a year group.

At ACS this academic year there were 50 pupils in Y11. This resulted in Almondbury Community School offering just the Ebacc and one or two set options at KS4, compared to larger schools are in a position to offer more options from a much larger pool of subjects to pupils.

The current curriculum model is unaffordable and unfair to the children. It adversely affects their performance and their pathways and future opportunity. This is not our aspiration for our young people.

The school is operating at less than 50% full, and so this impacts upon the amount of funding that is generated. The Council does not fund schools from its own budget, funding is generated by the numbers of pupils counted on the School Census every year and this generates the level of Dedicated Schools Grant that is allocated to the Local Authority who in turn allocates this to schools in line with the pupils on roll.

Across the wider Huddersfield South West and South East area there are more places available than there are young people. Even when more houses are built, which has been considered in the context of the local plan, there will still be far more places than will be needed. For Almondbury Community School, this is its single biggest challenge.

Parents who live in the school's catchment area are able to preference and get a place at other schools and this is what has been happening for a number of years.

3.1.3. Equal opportunity issues

Representation themes:

- Representation state that the proposal will disadvantage SEN pupils

Rationale for the proposals:

It is acknowledged that a number of parents have shared positive experiences of the support provided by Almondbury Community School for children with a range of additional needs through the consultation and representation periods.

The Council is committed to supporting children and their families who have additional needs. Personalised support will continue to be made available, provided by appropriately experienced staff, during any transition period to ensure the needs of pupils continue to be met and will ensure that pupils with SEND are properly supported in any future arrangements.

Additional support for the emotional wellbeing of pupils has emerged as a theme in the responses to the consultation and the representation stage. All staff at Almondbury Community School have been trained to be vigilant for any causes for concern around safeguarding or emotional well-being. There are wider pastoral support systems in place to ensure pupils receive the support they need including, one to one conversations and advice, alternative arrangements for unstructured time, access to 'time out' as needed, signposting to external support from agencies and services. Parents are contacted and included in the support for the pupil as appropriate. The LA is providing additional support to the school where it is needed on an individual basis.

The LA have undertaken an Equality Impact Assessment (EIA) and continued to review this at each stage of the process. A revised EIA is included at appendix 8 and includes the following themes:

- It is intended that this proposal would create more equality of opportunity. The current limited breadth of the curriculum which can be offered because of the pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.
- Parents expressed concerns about the impact of uncertainty and transition including the current emotional wellbeing of a number of pupils. The LA have therefore confirmed the support mechanisms available to pupils from the school and agreed to provide additional support where required on an individual basis.
- Intensive support is already being provided to Almondbury Community School to ensure the best possible educational outcomes for pupils in these challenging circumstances. It is expected that this will continue to be available for existing pupils and the schools who may provide support for them during the next academic year and as they transition into future school provision.
- Pupils with Special Educational Needs and Disabilities (SEND) will need specific support with transitional arrangements. Pupils (currently 6 in year 6 to 10) in the secondary phase of the school who have an Education Health and Care Plan (EHCP) will receive personalised support identified in a similar way

to the annual review process as required. To mitigate negative impact the LA will work with families with EHCP plans to carefully plan transition.

- Subject to approval of the proposals, further time would be taken to carefully plan any transition, working with parents, pupils and other local schools. Personalised support will be available where needed. A specific focus will be specialist support for children with additional needs to ensure successful transition (54 children in years 6 to 10 receive some form of SEND support)
- A negative impact on some staff cannot be ruled out. There will need to be ongoing discussions to mitigate the impact on individual staff in the secondary phase. Human Resources staff would need to work with school leaders at the school regarding any revision to structures should they be required. Following this, consultation would need to be held with staff and recognised Trade Unions. The Council would continue to support staff wellbeing and work alongside staff, trade unions and other schools to look at how to access other opportunities. If the proposals are approved, other schools in the area will be increasing their pupil numbers and would need additional staff.

3.1.4. Community cohesion

Representation themes:

- Representation states that the proposal will have a negative impact on the Almondbury Community
- Representation states that increase in pupil numbers at King James's School would have an impact on traffic and crime in the area.

Rationale for the proposals:

The proposal is not to close the school, it is to lower the age range of the school so that a primary school continues to be available within the community. There is another high school in Almondbury, King James' School where a significant number of youngsters who live in the Almondbury area are currently on roll. In the future, there are real opportunities for cohesion across the Almondbury area with young people being able to receive their secondary education together in a school located in the Almondbury village.

Beyond the provision of a primary school there have been no decisions about the future use of the remaining site and buildings. Should the decision be made to reduce the age range of Almondbury Community School, opportunities could be explored in the first instance for future educational use in line with Council priorities, for example, the provision of additional specialist places. The importance of the swimming and sports facilities which exist on site are recognised in terms of wider value to local schools for Key Stage 2 swimming, and for the Almondbury community and would be taken into account fully when considering future use of the site.

If the proposals are agreed, transitional support for pupils and their families would be an important element to limit any negative impact upon cohesion. As implementation is planned for September 2020, there is sufficient time to work with families and other schools to carefully plan for transition. Schools are working closer together and with local partners and ward councillors in Hub arrangements, these arrangements can support and identify greater opportunities for all partners to create additional opportunities for cohesion. In response to parent's views through consultation periods and conversations with local schools, any pupil movement will, wherever possible, be carefully planned and will be for groups of pupils. This would support the retention of friendship and wider support groups to help transition and integration.

All schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other. In the future there are positive opportunities for local schools to work together for the Almondbury Community.

3.1.5. Travel and Accessibility

Representation themes:

- Representation states the proposal would have a negative impact on travel.

Rationale for the proposals:

The proposal is planned to be implemented on 1st September 2020. On this date the secondary phase would no longer exist at Almondbury Community School. Therefore from 31st August 2020 all pupils (Y7 to Y10) would transfer from the roll of Almondbury Community School to another local secondary school (Y8-11).

For the academic year 2019;

- **Year 11** pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible.
- **Year 10** pupils (current Year 9) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their GCSE courses on the roll at another local school.
- **Year 9** pupils (current Year 8) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies on the roll at another local school.

- **Year 8** pupils (current Year 7) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies on the roll at another local school.
- There would be an admission of **11 year old (Year 7)** pupils to Almondbury Community School –. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to consolidate their Year 7 learning and finish their Key Stage 3 and Key Stage 4 studies on the roll at another local school.

Personalised planning for transition will explore options with families to take account of individual circumstances. Further support will be considered during the detailed planning for transition where required to meet the specific need of a family. This would be undertaken on an individual basis.

This proposal is not dependent upon the expansion of places in other local schools other than those needed for transitional arrangements which could involve the continued use of the Almondbury Community School site for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

The proposed prescribed alteration would retain a primary school in Almondbury and secondary provision within a reasonable distance.

From September 2020, future Year 7 cohorts would not have an unreasonably extended journey time or increased transport costs. Opportunities for children to travel sustainably by walking or cycling would be encouraged as is the case now. A distance of up to three miles is normally considered to be a reasonable distance from home to school for a secondary school place. If the proposal is agreed there will remain one or more school(s) within this distance for all families living in the current secondary school catchment area of Almondbury Community School.

For illustration purposes, the distance from the current Almondbury Community School site to King James' School is approximately 0.6 miles, to Netherhall Learning Campus is approximately 1.2 miles and to Newsome High School is approximately 2.2 miles.

Kirklees Council has a school transport policy which provides support with travel to pupils where their nearest qualifying school with a place is more than 3 miles from their home address. The distance is reduced to 2 miles for families with a low income. The Authority decides what form of transport assistance to offer in individual cases. In most cases either a school card or boarding card will be issued depending on the location of a pupil's home address. Other types of assistance include mileage or cycling allowances.

Any significant building work to expand a school would be subject to other decision making processes including a formal planning process.

3.1.6. Funding

Representation themes:

- Representation states that proposal did not give information about finances
- Representations questioned funding for staffing.
- Representation states that that proposal does not take into account extra costs.

Rationale for the proposals:

Schools are funded through the Dedicated Schools Grant by a national funding formula, predominantly driven by pupil numbers. There is very limited flexibility to change this locally.

As a result Almondbury Community School is currently operating with a deficit budget due to low pupil numbers. At the end of the financial year (18/19) the school had a deficit budget of around half a million pounds. Doing nothing, would see this deficit continue to increase with projected pupil numbers not anticipated to increase.

Short-term contingency funding can be made available from the Dedicated Schools Grant and re-organisation budgets to support the transitional arrangements associated with the proposals. The exact cost of transitional arrangements cannot be accurately determined due to the many variables but the council is committed to providing support for the best possible educational outcomes for the existing pupils of Almondbury Community School. The school funding formula will ensure that the funding follows the children however additional non-recurring revenue costs may include:

- Additional funding to meet staffing costs to underwrite the existing curriculum offer whilst there are reducing numbers of pupil
- Additional funding to meet staffing costs to support pupils settle into a new school
- Additional leadership and other resources to plan for and manage transition and lead improvement activities
- Additional resources to engage with parents to ensure they are involved in planning transition and additional support for family circumstances where appropriate
- Support with the cost of uniform where a change of school occurs in a planned way
- After taking account of creative opportunities for staff, any required severance costs
- Additional building and premises costs

In this context it is important to consider the requirement for a relatively short-term investment in highly supportive transitional arrangements alongside the alternative option of the indefinite inability to return a balanced budget under the current structure of Almondbury Community School. Without additional

pupils attending the school, not enough funding is generated to cover the costs of being able to provide the current limited curriculum. Therefore if the current deficit was to continue over a 4 year period for example it would be value for money to invest £2m in transitional arrangements to avoid a longer term liability.

The cost associated with the Private Finance Initiative (PFI) on the Almondbury Community School site is part of a contract of 19 school in Kirklees which runs until 2033. There is a cost to all schools associated with their building which includes heat, light, cleaning and other planned and reactive maintenance cost. Schools with PFI sites contribute to their share of the PFI contract which includes many of the building costs paid separately by other schools. The contract payment also includes an element of borrowing costs relating to the original PFI capital investment, lifecycle costs required to maintain the asset, and insurance. Subject to the proposal, consolidation in the KS1 building and a future Academy conversion an appropriate proportion of the PFI contract cost will be recalculated and passed to Almondbury Community School as a primary academy. There are options relating to the remaining parts of the contract costs associated with the secondary school and KS2 buildings which will be the subject of future decision making for the council. These could include:

- continued contributions to the cost of the contract while the secondary phase remains operational
- contribution to the cost of the contract by other building users where applicable and/or an alternative whole building custodian (subject to an alternative use being agreed)
- 'moth-balling' sections of the building in order to significantly reduce contract costs associated with facilities management services.

The 2018/19 annual charges paid under the PFI are £1.25m:

An estimated split for illustration purposes:

- Fernside Avenue – Key Stage 2, 3 and 4 building - £1m
- Fernside Avenue – Key Stage 1 building - £0.25m

(the above figures include the PFI affordability gap funded directly by the council)

The estimated capital debt outstanding for the ACS site is £2.3M

Existing Dedicated Schools Grant funded budgets would be deployed first to absorb the revenue costs insofar as is possible but it is anticipated that some input from the Council would be required.

The future of the Key Stage 2, 3 and 4 school building would be considered after a final decision is made. The building would be required for at least one academic year. However, it is recognised that the site, including the pool facility, is important to the community and there are options that would be considered for alternative educational use. The PFI contract is ultimately a Council liability but the amount of liability is dependent upon decisions about its

use in the future when it is no longer required for the current pupils of the school.

Should the proposals go ahead, some modest capital investment would be required to the Key Stage 1 building to ensure it is fit for purpose as a primary school, for example, ensuring personal hygiene facilities were age appropriate. This would be met using Council resources.

3.1.7. School Premises and playing fields

Representation themes:

None that are not already incorporated above

Rationale for the proposals:

Subject to the proposal being approved, consolidation in the existing KS1 building and a future Academy conversion, an appropriate proportion of school premises and playing fields would form part of the required long term lease to the appointed Multi Academy Trust for Almondbury Community School as a 210 place primary academy. This will ensure that suitable outdoor space is available in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

4. Recommendation to decision makers

Following the review of all the representations against the decision maker's guidance it is recommended that the statutory proposal should be approved without modification.

5. Implications for the Council

- **Working with People**

Should the proposals be approved, carefully planned transitional arrangements would be required to ensure that children have access to a broad, high quality educational offer. Working in partnership with parents and carers, schools and staff would be essential in securing the very best for children both now and in the future.

- **Working with Partners**

School leaders and staff care deeply about and are highly committed to the children and young people in the Almondbury area. Work to improve Almondbury Community School across all key stages is being overseen by the Executive Principal of a partner school Carr Manor Community School, based in Leeds. To take forward the proposals the Council would work with Almondbury Community School leaders and staff, the Interim Executive Board, neighbouring secondary schools and the Regional Schools Commissioner to support the transition to a Multi Academy Trust as a future Primary school.

- **Place Based Working**

The assessment of the need for school places in the Almondbury area has been assessed taking into account the current and future pupil cohort sizes. The

proposals aim to secure now and into the future, long term sustainable, high quality educational opportunities for children locally.

- **Improving outcomes for children**

The proposals are intended to improve outcomes for children. By taking a strategic approach, Kirklees Council wants to ensure that sufficient secondary school places are available in Huddersfield South East and South West and maximise opportunities to;

- Offer high quality and inclusive education and diversity of provision to all
- Provide a breadth of curriculum offer that enables young people to have access to the widest opportunities to fulfil their aspirations and ambitions
- Be financially viable and therefore have future security
- Promote equality of opportunity
- Strengthen community cohesion
- Use sustainable travel and transport for school

- **Human Resources implications**

Should the proposals be agreed, there would be Human Resources implications resulting from the proposed changes to Almondbury Community School. Human Resources staff would need to work with school leaders at the school regarding any revision to structures. Following this, consultation would need to be held with staff and recognised Trade Unions. The Council would support staff wellbeing and work alongside staff, trade unions and other schools to look at how to access other opportunities. If the proposals are approved, other schools in the area will be increasing their pupil numbers and would need additional staff.

- **Financial Implications**

Revenue

The annual Dedicated Schools Grant (DSG) allocation that the Council receives from Government can only be spent on education and would fund the recurrent revenue implications of the changes being proposed.

The proposals are intended to bring long-term sustainability of provision for primary-age children in the area traditionally served by Almondbury Community School and for other primary and secondary schools in Almondbury and the wider Huddersfield South East / South West planning areas.

There would also be a range of one-off revenue costs associated with delivering the proposed changes to provision including:

- Additional funding to meet staffing costs to underwrite the existing curriculum offer whilst there are reducing numbers of pupil
- Additional funding to meet staffing costs to support pupils settle into a new school
- Additional leadership and other resources to plan for and manage transition and lead improvement activities
- Additional resources to engage with parents to ensure they are involved in planning transition and additional support for family circumstances where appropriate
- Support with the cost of uniform where a change of school occurs in a planned way

- After taking account of creative opportunities for staff, any required severance costs
- Additional building and premises costs

Existing DSG-funded budgets would be deployed first to absorb the revenue costs insofar as is possible but it is anticipated that some input from the Council would be required.

The existing buildings that house ACS are part of a Private Finance Initiative (PFI) contract. Subject to the proposal, consolidation in the KS1 building and a future Academy conversion an appropriate proportion of the PFI contract cost will be recalculated and passed to Almondbury Community School as a primary academy. There are options relating to the remaining parts of the contract costs associated with the secondary school and KS2 buildings which will be the subject of future decision making for the council. These could include:

- continued contributions to the cost of the contract while the secondary phase remains operational
- contribution to the cost of the contract by other building users where applicable and/or an alternative whole building custodian (subject to an alternative use being agreed)
- 'moth-balling' sections of the building in order to significantly reduce contract costs associated with facilities management services.

The 2018/19 annual charges paid under the PFI are £1.25m:

An estimated split for illustration purposes:

Fernside Avenue – Key Stage 2, 3 and 4 building - £1m

Fernside Avenue – Key Stage 1 building - £0.25m

(the above figures include the PFI affordability gap funded directly by the council)

The estimated capital debt outstanding for the ACS site is £2.3M

The future of the Key Stage 2, 3 and 4 school building would be considered after a final decision is made. The building would be required for at least one academic year. However, it is recognised that the site, including the pool facility, is important to the community and there are options that would be considered for alternative educational use. The PFI contract is ultimately a Council liability but the amount of liability is dependent upon decisions about its use in the future when it is no longer required for the current pupils of the school.

Capital

Should the proposals go ahead, some modest capital investment would be required to the Key Stage 1 building to ensure it is fit for purpose as a primary school, for example, ensuring personal hygiene facilities were age appropriate.

To enable King James's School to accommodate an additional 150 pupils (over time), capital investment would be required to ensure that classroom and ancillary facilities, for example dining and social spaces were suitable for the number of planned places. The Council would wish to work collaboratively with the school in order that a detailed programme of expansion to the physical space at King James's could be planned.

Capital expenditure requirements will be subject to future decision making processes.

- **Legal Implications**

As is detailed in the DfE Guidance Guidance for such changes, '*Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018*.' A number of changes can impact upon admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the School Admissions Code) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the Schools Adjudicator so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

It should be noted that to support the implementation of the statutory proposal, there would be changes required to admissions arrangements in terms of;

- changing the admission number of the primary phase at Almondbury Community School
- making changes to the catchment areas for future secondary schools admissions so that parts of the current Almondbury Community School catchment area are included in either; King James's School, Netherhall High School or Newsome High School.

The relevant processes would be undertaken should the statutory proposal be approved.

- **Public Sector Equality Duty**

The Equality Act 2010 places the Council under a duty - The Public Sector Equality Duty to have due regard to the need to achieve equality objectives when carrying out its functions and provide evidence that any potential discriminatory impact on people with protected characteristics in making changes to services, and in relation to our own employees have been considered and mitigated.

Public Sector Equality Duty

Section 149 Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

...

Compliance with the duties in this Section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The relevant protected characteristics are –

age;
disability;
gender reassignment;
pregnancy and maternity;
race;
religion or beliefs;
sex;
sexual orientation.”

This duty applies to all actions and decisions and at every stage of a decision making process including the formulation of proposals, the consultation process and the making of decisions.

It applies both to high level budget allocations and to service specific proposals.

There is no statutory requirement to produce equality impact assessments, but they can be a helpful way of recording and evidencing the way in which due regard has been given to the Public Sector Equality Duty.

- **Equality Impact Assessment**

The initial equalities impact assessment was revised following non-statutory consultation, and has been further revised following statutory consultation. Members are recommended to review the revised impact assessment which is at appendix 8 when taking its final decision.

<http://www.kirklees.gov.uk/beta/delivering-services/equality-impact-assessments.aspx>

Then select 2018/19 and ‘Children’

- The stage 1 report is named “190708 Stage 1 Future options for Almondbury Community School Final Decision”
- The stage 2 report is named “190708 Stage 2 Future options for Almondbury Community School Final Decision”

6. Consultees and their Opinions

A four week non-statutory consultation about the proposals took place between 27 March 2019 and 23 April 2019, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties. The Cabinet agreed to proceed with the statutory process to change the upper age range of Almondbury Community School.

A four week statutory representation/consultation took place between 7 June 2019 and 4 July 2019. During the 4 week representation period 51 representations were received. The themes are detailed in sections 3.1.2 to 3.1.7 above.

This report brings stakeholders views and comments regarding the statutory proposals to decision makers attention for full consideration giving due regard to the factors for decision making derived from the guidance issued by the DfE 'School Organisation. Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers October 2018'.

The full representations submitted are included in appendix 9 to this report. The full text of all of these representations has been made available for members of SOAG and decision-makers to read.

7. Next steps and timelines

Subject to any decision made by Cabinet, the indicative timeline for the next stages of the Local Authority's proposals are set out below:

Activity	Date * These dates are indicative and may change; they are also subject to Cabinet approval.
Consultation and engagement (non-statutory)	March - April 2019
Report back to cabinet on the non –statutory consultation and seeking cabinet approval to move to next stage Publication of Statutory notices.	May 2019
Publication of Statutory notices and proposals and period of representation (formal consultation on statutory proposals)	June 2019
Kirklees Council Cabinet take a final decision regarding the proposals	July 2019
Implementation planning would begin	From 1 September 2019
The statutory proposal would be implemented	1 st September 2020

If Cabinet approve the statutory proposal then officers would be instructed to support and work proactively with Almondbury Community School, local secondary schools and with families of pupils to finalise arrangements in order to ensure that effective transition plans are put in place to implement the proposals from 1st September 2020 whilst ensuring a safe and well planned transition without compromising standards and quality of provision.

8. Officer recommendations and reasons

8.1. It is recommended that Members;

- note the advice of Kirklees SOAG that this proposal is compliant and that the required statutory processes have been carried out
- agree that in their role as decision makers, they will take the decision regarding this proposal within the statutory time period.
- acknowledge and confirm that the comments and objections received during the representation period and the relevant statutory guidance have been given full consideration as part of the decision making process.
- acknowledge the outcomes and recommendations of the Kirklees SOAG meeting from 5th July 2019

8.2. It is recommended that Members approve the statutory proposal to;

- change the age range of Almondbury Community School from age 3 –16 years to age 3 – 11 years from 1st September 2020.

8.3. It is recommended that Members confirm that the reasons for approving the statutory proposal are that the proposal would contribute to improving the secondary provision for all children in Almondbury. The reasons set alongside the decision maker's guidance are;

- **Education standards and diversity of provision** - It is important to acknowledge the praise and passion parents have for Almondbury Community School and its staff, illustrated by responses to the non-statutory consultation and in the representation period. However, the school remains in a difficult position regarding the number of pupils in the secondary stage and the impact this has on viability and quality of the education offer due to the limitations of only being able to offer a very narrow curriculum choice. By making a change to the upper age range, and removing the secondary phase of the school it would enable the primary phase to become a sponsored academy, thereby retaining provision locally.

The limited breadth of the curriculum which can be offered because of the current pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.

At present, a total of approximately 300 pupils attend the secondary phase of Almondbury Community School (which covers Year 7 to Year 11) and this means half of the available places are not taken. In summary, approval of this proposal would result in 500 secondary places being offered in these planning areas. With on average 160 pupils accessing

school places outside the area there would be sufficient places to accommodate the expected future population cohorts which average 622 per year between 2020 and 2026 resulting in an average of 38 surplus places per year.

This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. The Local Authority is of the view that if the proposal is implemented it will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

The Local Authority is working with local secondary schools to explore the opportunity for a small increase in places to enable greater parental choice and meet any future demand resulting from new housing developments.

Under transitional arrangements for existing pupils from September 2020, additional transitional places would be made available working in partnership with other local schools. The use of the Almondbury Community School Key Stage 3 and 4 building is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

- **Equal Opportunity Issues** – It is intended that this proposal would create greater equality of opportunity. The current limited breadth of the curriculum which can be offered because of the pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future. Support mechanisms are available to pupils from the school and there is agreement to provide additional support where required on an individual basis. Pupils with Special Educational Needs and Disabilities (SEND) will need specific support with transitional arrangements. Pupils (currently 6 in year 6 to 10) in the secondary phase of the school who have an Education Health and Care Plan (EHCP) will receive personalised support identified in a similar way to the annual review process as required. To mitigate negative impact the LA will work with families with EHCP plans to carefully plan transition.
- **Community Cohesion** - Schools are working closer together and with local partners and ward councillors in Hub arrangements, these arrangements can support and identify additional opportunities for all partners to create greater cohesion. In response to parent's views through consultation periods and conversations with local schools, any pupil movement will, wherever possible, be carefully planned and will be for groups of pupils. This would support the retention of friendship and wider support groups to help transition and integration.

All schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other. In the future there are positive opportunities for local schools to work together for the Almondbury Community.

- **Travel and accessibility** – It is not anticipated that pupils would have an unreasonably extended journey time or increased transport costs. Opportunities for children to travel sustainably by walking or cycling would be encouraged as is the case now. A distance of up to three miles is normally considered to be a reasonable distance from home to school for a secondary school place. If the proposal is agreed there will remain one or more school(s) within this distance for all families living in the current secondary school catchment area of Almondbury Community School.

For illustration purposes, the distance from the current Almondbury Community School site to King James' School is approximately 0.6 miles, to Netherhall Learning Campus is approximately 1.2 miles and to Newsome High School is approximately 2.2 miles.

Kirklees Council has a school transport policy which provides support with travel to pupils where their nearest qualifying school with a place is more than 3 miles from their home address. The distance is reduced to 2 miles for families with a low income. The Authority decides what form of transport assistance to offer in individual cases. In most cases either a school card or boarding card will be issued depending on the location of a pupil's home address. Other types of assistance include mileage or cycling allowances.

- **Funding** - Short-term contingency funding can be made available from the Dedicated Schools Grant and re-organisation budgets to support the transitional arrangements associated with the proposals. The exact cost of transitional arrangements cannot be accurately determined due to the many variables but there is council commitment to providing support for the best possible educational outcomes for the existing pupils of Almondbury Community School.
- **School premises and playing fields** - this is not relevant to the decision in so far as the future use of the premises that houses the secondary age groups would be considered should the decision be made. It has however been raised in the non-statutory consultation and therefore it is important to highlighted in decision making. Beyond the provision of a primary school there have been no decisions about the future use of the remaining site and buildings. Should the decision be made, opportunities will be explored in the first instance for future educational use in line with Council priorities, for example, the provision of additional specialist places. The importance of the swimming and sports facilities which exist on site are recognised in terms of wider value to local schools for Key Stage 2 swimming, and for the Almondbury community and would be taken into account fully when considering future use of the site.

8.4. It is recommended that Members instruct officers to support and work proactively with Almondbury Community School, local secondary schools and with families of pupils to finalise arrangements in order to ensure that effective transition plans are put in place to implement the proposals from 1st September 2020 whilst ensuring a safe and well planned transition without compromising standards and quality of provision. This would include;

- Continuing to work with King James’s School to make changes to its current catchment area, create 30 additional planned places from September 2020 (so that over time there are an additional 150 secondary places at the school i.e. 5 year groups x 30 places), and report back upon the indicative level of investment required.
- Continuing to work with Newsome High School to make changes to its current catchment area to include the catchment area of Lowerhouses CE(VC) Junior, Infant and Early Years School which forms part of the current Almondbury Community School secondary catchment area.
- Continuing to work with Netherhall Learning Campus High School to consider the impact of extending their catchment area to include parts of Moldgreen Community Primary School and Dalton School primary catchment areas (south of A642) which form part of the current Almondbury Community School secondary catchment area.
- Continue to work in partnership with local secondary schools and the Regional Schools Commissioner to plan for the transitional arrangements to best support the pupils, their families and the staff of Almondbury Community School.
- Continue to work with King James’s Academy Trust in further assessing the level of capital investment that would be required to enable King James’s School to create 30 additional planned places and that this be brought back to a future meeting.
- Continue to assess the level of investment that would be required to enable the existing Key Stage 1 building of Almondbury Community School on Fernside Avenue to be utilised by the revised age range and that this be brought back to a future meeting.

9. Cabinet Portfolio Holder’s recommendation

We are committed to improve the quality of education for our children to give every child the best possible start.

We would like to thank those that engaged with both the non-statutory consultation and the statutory consultation and have taken the time to engage with the Council and feedback their views.

We do recognise that the majority of those parents and carers, pupils and staff who responded are supportive of Almondbury Community School. This a challenging set of circumstances where we have a school with a significant number of spare places, making it incredibly difficult to offer a broad, sustainable curriculum and maintain financial viability. Given this and the facts as they stand in relation to more pupil places being available than there are children, and the likely revenue budget constraints as a result is hampering the school to be able to sustain a broad curriculum with learning opportunities that secondary age pupils should be enabled to experience.

Putting aside the educational case, the academy order and financial viability challenges of the current structure of the school provide a situation where doing nothing is not an option. Given the DfE Schools Causing Concern guidance and the wording in the letter from the Regional Schools Commissioner which accompanied the academy order we believe there is only one reasonable option available to cabinet. If we do not take the difficult decision to change the age range of Almondbury Community School and retain a primary provision on the site we firmly believe we will be instructed by the DfE to close the whole school. We are keen to make a final decision as soon as reasonably practicable to bring certainty for parents.

Therefore, we support the officer recommendations to approve the statutory proposal.

We have listened carefully to the views of parents and their worries about the potential impact of transition. It would be important to note that we would aim to provide a calm, secure and supportive environment for every young person to complete their secondary education with minimum disruption and with the maximum opportunities to enable them to achieve their potential.

The statutory process has been monitored for compliance and checked by the Schools Organisation Advisory Group (SOAG), and found the documentation presented to SOAG would enable Cabinet to reach a decision regarding the proposal.

10. Contact officer

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11. Background papers and History of Decisions

Cabinet 29 May 2019 Future options for Almondbury Community School – Outcome Report: The report presents Cabinet with the outcomes from the non-statutory consultation 'Future options for Almondbury Community School: The basic need for school places across Huddersfield South & East and South West' and seeks approval to formally propose alterations to the school by reducing the age range from 3 to 16 years to 3 to 11 years; and to change the planned admission number of the school.
<https://democracy.kirklees.gov.uk/documents/s29104/Item%209%20Almondbury%20Community%20School.pdf>

Cabinet: 19 March 2019 Future options for Almondbury Community School
Purpose of report: To seek approval to undertake a non-statutory consultation about future options for Almondbury Community School in the context of wider basic need for school places across Huddersfield South East and South West.
<http://democracy.kirklees.gov.uk/documents/s27801/Item%2020%202019-03-19%20Draft%20Cabinet%20-%20Almondbury%20permission%20to%20consult.pdf>

Office of Schools Adjudicator: 10 March 2017: A statutory proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598360/STP628_All_Hallows_Church_of_England_VA_Infant_and_Nursery_School_Kirklees_-_10_March_2017.pdf

Cabinet: 28th November 2016: Decision about the published statutory proposal made by the Governing Body of All Hallows' CE(VA) Infant and Nursery School to change the upper age range from 3-7 years to 3-11 years and become an all through primary school
<http://democracy.kirklees.gov.uk/documents/s15539/2016-11-28%20All%20Hallows%20final%20report.pdf>

Cabinet: 8th April 2014: Report on the related statutory proposals to discontinue Greenside Infant and Nursery School, to discontinue Almondbury Junior School and to change the lower age limit and expand Almondbury High School in order to develop an all-through school for 3-16 year old pupils, including nursery provision, to serve the Almondbury area.
<http://democracy.kirklees.gov.uk/Data/Cabinet/201404081530/Agenda/CABINET08041450933D.pdf>

Cabinet report 28th January 2014: Report on the outcomes of the statutory consultation on the proposals affecting Greenside Infant and Nursery School, Almondbury Junior School and Almondbury High School.
<http://democracy.kirklees.gov.uk/Data/Cabinet/201401281600/Agenda/CABINET28011450315D.pdf>

Cabinet report 16th September 2013: Report in relation to proposals affecting Greenside Infant and Nursery School, Almondbury Junior School and Almondbury High School.
<http://democracy.kirklees.gov.uk/Data/Cabinet/201309161600/Agenda/CABINET16091349240D.pdf>

Schools causing concern - Guidance for local authorities and Regional Schools
Commissioners on how to work with schools to support improvements to educational performance, and on using their intervention powers - November 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754974/Schools_causing_concern_guidance-November_2018.pdf

Making significant changes ('prescribed alterations') to maintained schools - Statutory guidance for proposers and decision-makers October 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf

12. Service Director responsible

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Appendices

- 1) DfE *Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018)*
- 2) Statutory Notice
- 3) Statutory proposals
- 4) The constitution and purpose of SOAG
- 5) Notes of the SOAG meeting on 5 June 2019
- 6) Check sheet
- 7) Factors to be considered – DfE statutory guidance for decision makers
- 8) Equality Impact Assessment stage 2
- 9) Representations