

Contact Officer: Penny Bunker

KIRKLEES COUNCIL

CHILDREN'S SCRUTINY PANEL

Wednesday 7th August 2019

Present: Councillor Andrew Marchington (Chair)
Councillor Aafaq Butt
Councillor Paul Davies
Councillor Amanda Pinnock
Councillor Paul White

Co-optees Linda Summers

In attendance: Councillor Paola Antonia Davies
Councillor Viv Kendrick
Councillor John Lawson
Councillor Bernard McGuin
Councillor Carole Pattison
John Chapman
Mel Meggs
Jo-Anne Sanders
Martin Wilby

Apologies: Councillor Richard Smith
Toni Bromley (Co-Optee)
Dale O'Neill (Co-Optee)

1 Membership of the Committee

Apologies for absence were received from Cllr Richard Smith, Dale O'Neill (Co-optee), Toni Bromley (Co-optee)

2 Interests

No interests were declared.

3 Admission of the Public

All items were considered in public session.

4 Call-in of Cabinet Decision in relation to Almondbury Community School

The Scrutiny Panel considered the grounds of a call in request, in respect of the final decision taken by Cabinet on 16 July 2019 on future options for Almondbury Community School.

The three decision making areas which were the focus of the call in review meeting were;

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- Relevant considerations – issues connected to the capacity of secondary school places
- Openness – issues relating to the availability of information
- Lawfulness and financial propriety - clarity of the legislation relevant to the issue of the statutory notice

At the review meeting the Scrutiny Panel considered verbal submissions from councillors who were signatories to the call in and views from members of the public affected by the decision. The Panel also considered the response of the Cabinet Members and senior officers of Children's Services and Legal Services, to the areas of focus.

The panel considered everything that had been submitted in writing and orally at the hearing. This included the background reports and information that had informed the Cabinet's final decision.

The panel considered the three decision options set out on the Council's Constitution, that were 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.

RESOLVED -

- (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

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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.