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## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

**EXECUTIVE BOARD:** 11 September 2007

**SUBJECT:** Governing Body Proposal to close St Gregory's Catholic Primary School in August 2008 following the publication of Statutory Notices

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### EXECUTIVE SUMMARY

#### 1. Purpose of the Report

1.1 On 15 June 2007 the Governing Body of St Gregory's Catholic Primary School published a statutory proposal to discontinue the school from 31 August 2008. The Authority has until 27 September 2007 to make a decision.

1.2 The Education and Inspections Act 2006 established new procedures for the closure of a maintained mainstream school. Under the new regulations the School Organisation Committee ceased to exist from 25 May 2007 and the determination of proposals falls either to the Local Authority or, if a decision is not made within the specified timescale, the schools adjudicator.

#### 2. Background

2.1 Following the abolition of the School Organisation Committee and in accordance with the School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 which came into force on 25 May 2007, it falls to the Local Authority to determine proposals on school organisation.

#### 3. Main issues

3.1 In June 2006, the Governing Body of St Gregory's undertook a formal, public consultation on the closure of the school. After careful consideration of the responses received, the Governing Body decided not to progress with the proposal at that time. However, following additional information from the Diocese and Education Leeds in the Spring Term of 2007, the Governing Body reconsidered the original proposal and determined to issue a Statutory Notice proposing the school's closure in August 2008.

3.2 The new regulations state that the determination of a proposal should be made

within two months from the end of the representation period. The statutory Notice period for St Gregory's ended on 27 July 2007 and therefore it falls to the Local Authority to determine the proposal by 27 September 2007. In the event of a decision not being made within this timescale, the proposal must be forwarded to the schools adjudicator within one week from the end of the two month period.

#### **4. Recommendation**

##### **4.1** Executive Board is invited to :

- i. Note the changes to the legal requirements for the determination of proposals on school organisation
- ii. Refer the Governing Body proposal on the closure of St Gregory's Catholic Primary School to the schools adjudicator for determination
- iii. Request that a further report be produced to determine the new arrangements for the determination of proposals on school reorganisation.

Agenda Item:

Originator: Amanda Jahdi

Telephone: 2475696

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### Electoral wards Affected:

Crossgates and Whinmoor  
Killingbeck and Seacroft

### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call-in

Not Eligible for Call-in

(details contained in the report)

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## 1.0 Purpose of the Report

1.1 On 15 June 2007 the Governing Body of St Gregory's Catholic Primary School published a statutory proposal to discontinue the school from 31 August 2008. The Authority has until 27 September 2007 to make a decision.

1.2 The Education and Inspections Act 2006 established new procedures for the closure of a maintained mainstream school. Under the new regulations the School Organisation Committee ceased to exist from 25 May 2007 and the determination of proposals falls either to the Local Authority or, if a decision is not made within the specified timescale, the schools adjudicator.

## 2.0 Background

2.1 The determination of proposals on the re-organisation of maintained schools, such as the closure or establishment of a school, was previously considered by the School Organisation Committee. The Education and Inspections Act 2006, introduced new regulations, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007, which came into effect on 25 May 2007. Under these regulations, responsibility for decisions on school organisation lies with the Local

Authority or the schools adjudicator. It is expected that decisions would normally be taken by the Local Authority and the process by which the Local Authority fulfils its decision making function is for the Local Authority to determine.

### **3.0 Main Issues**

#### **3.1**

On 15 June 2007, the Governing Body of St Gregory's Catholic Primary School published a Statutory Notice on the closure of the school with effect from August 2008. The representation period ended on 27 July 2007 and a number of objections to the proposal were received. Under the previous regulations, this proposal would have been determined by the School Organisation Committee which ceased to exist from 25 May 2007.

#### **3.2**

In accordance with the new regulations, the determination of all proposals lies with the Local Authority and should be decided within two months from the end of the representation period. Furthermore, if objections have been received, the proposal must be decided under Paragraph 8 of Schedule 2 to the Education and Inspections Act 2006 which specifies the statutory guidance that should be taken into consideration when determining the proposal.

#### **3.3**

The Department for Schools, Children and Families (DSCF, formerly DfES) have left it to each Local Authority to determine how they will carry out their decision making function. However in fulfilling their statutory duty, local authorities are expected to have cognisance of their new duties to:-

- secure diversity in provision of schools
- increase opportunities for parental choice
- respond to parental representations about provision in schools.

#### **3.4**

The decision maker is required to follow the guidance setting out factors to be considered before decisions are made and should have regard to statutory guidance in reaching any decision. Due diligence should be applied when considering a proposal, and consequently, the process for determination should allow for representations to be heard from all stakeholders.

#### **3.5**

Having not yet established a mechanism for the determination of school organisation proposals, and given the time constraints on this particular proposal, the Executive Board can refer the proposal of the Governing Body of St Gregory's Catholic Primary School to the schools adjudicator.

### **4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

#### **4.1**

In accordance with the new regulations which came into effect on 25 May 2007. the Council are required to agree alternative arrangements for the determination of school organisation proposals.

### **5.0 LEGAL AND RESOURCE IMPLICATIONS**

#### **5.1**

The new regulations state that the determination of a proposal should be made within two months from the end of the representation period. The statutory Notice period for St Gregory's ended on 27 July 2007 and therefore it falls to the Local Authority to determine the proposal by 27 September 2007. In the event of a decision not being made within this timescale, the proposal must be forwarded to the schools adjudicator within one week from the end of the two month period.

## **6.0 RECOMMENDATIONS**

### **6.1** Executive Board is invited to :

- i. Note the changes to the legal requirements for the determination of proposals on school organisation
- ii. Refer the Governing Body proposal on the closure of St Gregory's Catholic Primary School to the schools adjudicator for determination
- iii. Request that a further report be produced to determine the new arrangements for the determination of proposals on school reorganisation.