

Draft Scrutiny Inquiry report School organisation consultations

April 2010

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Introduction and Scope

Introduction and scope of the Inquiry

1. In July 2009 the Scrutiny Board accepted a request for scrutiny from Councillors Penny Ewens and Ralph Pryke, relating to the consultation on proposals for City of Leeds High School to become an Academy.
2. The Board decided to establish a working group to look at the consultation process for school organisation proposals in general, taking the current proposals for City of Leeds High School as a practical case study.
3. The Board confirmed that it was not the intention to scrutinise the merits or otherwise of the proposal to create an Academy.
4. The working group met twice, in September and October 2009. The working group received evidence from Councillors Ewens and Pryke, along with a local parent, and also officers from Education Leeds.
5. The working group's findings, which were endorsed by the full Scrutiny Board, are presented below.



Conclusions and Recommendations

Standard consultation process

6. Education Leeds provided a briefing on the various stages involved in considering proposals for school reorganisations. This described a three stage process:
 - Stage A informal information exchange and initial engagement with the school
 - Stage B formal public consultation
 - Stage C statutory consultation process
7. The three stage process entailed a range of techniques in informing, engaging, consulting and decision making at various points in the process. Different groups of stakeholders were involved at different points during the process.
8. At the time that the working group met in September and October 2009, officers indicated that the proposals in relation to City of Leeds High School were currently at Stage A in this process.
9. Two particular factors were emphasised at this point. One was the advice from legal services that proposals for formal public consultation (Stage B) must be specific in nature. If consultation took place on the basis of options, then a further round of formal consultation on specific proposals would be required to follow this stage in order to meet statutory requirements before the council could proceed to Stage C. In effect, any consultation on options would form a part of Stage A.
10. The second factor highlighted was the historic reasoning for limiting the range of stakeholders engaged at Stage A in the process. The rationale for this was to minimise undue concern for parents and pupils, when options put forward in early discussions may never materialise, or may alter radically as a result of those discussions.
11. As a consequence, Stage A of the process was generally restricted to headteachers and chairs of governors, with an extension to the full governing body only with the approval of these individuals. (Ward Members and relevant council officers would also be briefed at this stage.)
12. In discussion between the working group and officers it was agreed by both parties that, as a minimum, this stage of the process should be revised to include engagement with the full governing body as standard practice, and this should not be dependent on the decision of the head and chair.
13. The existing guidelines were established in 2002. The development of extended services and integrated children's services working practices since then has increased the inter-dependency of schools in serving their communities, and therefore there was also an argument to be considered as to the appropriate stage for sharing early proposals with other service providers, and also parents, pupils and

Recommendation 1 – That the Chief Executive of Education Leeds revises the school organisation consultation guidelines to automatically include the full governing body at the informal Stage A in the process.



Conclusions and Recommendations

the wider community. This needs to be balanced against the stress and uncertainty created by early options for change that do not progress.

14. Nevertheless, in the case of City of Leeds High School and the concurrent associated proposals, a number of reports to Executive Board over the past year, and discussion at some Area Committees, meant that consideration of the future of the school was in the public arena, without any specific activity targeted at parents, pending a move to Stage B and formal consultation. This situation was generating its own levels of anxiety as witnessed by the concerns expressed in the circulated correspondence from the extended services cluster, and also the parent who attended the working group meeting.
15. The papers provided by Councillor Ewens included a letter from the Chair of the Open XS cluster of six schools in the Inner North West, setting out concerns about the proposals for City of Leeds. We also learned that the cluster carried out its own consultation process over the summer 2009 period with parents from the five primary and one secondary schools in the Open XS cluster.
16. Members of the working group also received copies of a letter from Ms Beeson, a parent of a pupil at City of Leeds High School, to the Chair of the Scrutiny Board, setting out her concerns about the proposals for moving City of Leeds school and turning it into an Academy. Her concerns included a lack of consultation with, and information for, parents and the communities involved.

17. We concluded that Education Leeds need to consider a strategy for informing and/or engaging with a wider stakeholder group at Stage A where the development of proposals is clearly in the public domain. This should also help to counter a culture of rumours developing.

18. Such a strategy may involve, or indeed be led by, the school or schools concerned where appropriate. However the lack of school engagement must not be allowed to prevent this communication taking place.

Recommendation 2 – That the Chief Executive of Education Leeds develops a strategy for communicating with a wider stakeholder group in circumstances where the development of school organisation proposals are at Stage A, but are also in the public domain.

The National Challenge

19. The working group discussed the drivers behind the proposals for City of Leeds High School and the other schools involved. Officers explained that the local authority was required by government to produce plans for tackling all National Challenge schools – those at risk of failing to reach government set targets for GCSE results – and that City of Leeds, Primrose and Parklands all fell into this category at the time the proposals were first mooted. The government requires that these plans must consider structural options for change.



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20. The working group asked whether the governors at City of Leeds had discussed any alternative solutions and approaches with either the Department for Children, Schools and Families (DCSF) or Education Leeds. It seemed from what we were told that it was felt that there was little chance of this type of approach being successful and that governors felt that an Academy was the only solution that would be considered acceptable by the DCSF or Education Leeds for City of Leeds High School.
21. Although it was acknowledged that the school did not have a choice about its future being considered in this way at present, members of the working group were reminded that in fact any decision would be made by the council's Executive Board, after statutory consultation, and on the basis of professional advice from Education Leeds. Only in the most exceptional of circumstances would the Secretary of State be expected to exercise his ultimate authority to intervene and make an Order determining the school's future.
22. Population growth and the effect of the economic recession on both the school building programme and the national availability of potential Academy sponsors were also factors affecting the situation regarding high school provision across East and North East Leeds, including City of Leeds.
23. The working group members were keen to reassure themselves that appropriate school improvement support had been provided to the school to help it to try and meet the national challenge targets without the need for structural change. We were told about the input from the School Improvement Partner and the National Challenge Adviser, and also additional support for the school leadership since September 2009. We were also given examples of how other schools had responded to support with a greater impact, for example at South Leeds Academy.
24. The working group had extensive discussion about the floor targets set by national government, and whether it was realistic to expect all schools, without exception, to achieve these targets. Some members of the working group felt that the challenges faced by a school like City of Leeds and its cohort of pupils, made the targets more unrealistic. However, it was acknowledged that it was not the purpose of the working group's inquiry to examine the National Challenge programme.
25. Councillor Ewens outlined her concerns regarding the meetings between school governors and potential sponsors of an Academy. She indicated that the governors, and also staff, had been asked to meet with two potential sponsors over a short period of time and at short notice. This had subsequently been increased to three potential sponsors. The governors had been asked to submit their views on the potential sponsors within 24 hours of the last of these three meetings. Only two governors had been able to attend all three meetings. However a response had been provided to Education Leeds within the timescale requested.

Potential Academy Sponsors



Conclusions and Recommendations

26. Officers explained that this was not a normal part of the consultation process. In previous cases where an Academy was proposed, the DCSF had told the authority who the sponsor would be. On this occasion a significant number of potential sponsors were in the frame for Academy sponsorship in Leeds, and the authority had managed to negotiate an opportunity for the schools to have an input into the selection process.
27. The meetings between City of Leeds High School governors and potential sponsors (and the submission of views following such meetings) were not to be taken as indicating the governing body's support for the school to become an Academy.
28. In other words, the meetings between governors, staff and potential sponsors were not part of the normal consultation process for school organisation proposals.
29. However, it was clear that the involvement of sponsors for Academy proposals and the DCSF requirement to address National Challenge Schools add further complexity to the normal process for deciding school organisation proposals, as highlighted in this case.
30. Moving to the formal and statutory phases of progressing school organisation proposals (Stages B and C), the working group discussed the need for clearer public explanation of the two stages and how they relate to one another. This needs to be set within the confines of the statutory requirements.
31. For example, Members discussed how they had heard reports of strong opposition being voiced at public meetings (at Stage B) regarding the proposals for South Leeds High School to become an Academy, only to learn subsequently that when the final decision was made by Executive Board, there were no statutory objections (at Stage C).
32. It was proposed that, in the future, documents setting out school organisation proposals for consultation should include an explanation of the formal 2-stage process, and make it clear how an objection (or support) should be made at both stages of the process (assuming that the proposals do not change between Stages B and C). It is important that people understand they should not give up because their objections have not resulted in change to the proposals at Stage B. No final decision is made until Stage C.
33. It also needs to be made clear that objections are likely to have a greater impact if there is an explanation of the objector's reasons, or - even better - alternative suggestions to achieve the aims of the proposals, rather than a simple indication of opposition.
34. It was suggested that a stand alone leaflet setting out the various stages of the school organisation decision-making process might also be helpful. This would help to clarify at what stage people are being informed and when they are being consulted.

Formal consultation



Conclusions and Recommendations

Recommendation 3 – That the Chief Executive of Education Leeds reports back to us on the production of information to be included either within or alongside school organisation proposals at Stages B and C, explaining to the public:

- a) the importance of responding at both stages of the process; and
- b) the significance of providing reasons for objections and making alternative suggestions.

35. At root, the response to Councillor Ewens' and Councillor Pryke's concerns that the consultation process to date had been undemocratic and not wide-reaching enough, was that there had not actually been any 'consultation' at the point at which they made their request for scrutiny. This would come at a later stage in the process, when there were some specific proposals upon which to consult.

Conclusion

36. By the time that the working group met again in October, a further report to the Executive Board had presented revised proposals for the City of Leeds High School, which sought to take account of suggestions from the governing body. The revised proposals envisaged the creation of a 14-19 hub to replace the school, although further work would be required to define the hub provision. In other words, the informal Stage A process had resulted in a fundamental change to the initial proposals.

37. These revised proposals would now move forward to the formal stages of consultation - B and C. Because of the

legal advice that statutory public consultation must be on specific proposals, the consultation would be on the basis of closing City of Leeds School.

38. We noted that in most schools, Education Leeds had been invited to attend governing body meetings to discuss proposals on a regular basis, even where the governors were not in favour of the proposed change. This had allowed a dialogue to take place involving all governors. Whilst the anxiety and opposition of the governing body might be understandable in the case of City of Leeds, especially given that this was not the first time that closure of the school had been proposed, the lack of engagement with officers would not help to produce a positive way forward for the community.

39. We also recognised that the tension between Education Leeds and the governing body and school leadership had impacted on the level of engagement with staff, both in general terms and particularly in relation to the school organisation proposals. We are concerned that this must be avoided in future.

40. Members were also concerned that some of the children and families affected by the current proposals had already experienced upheaval following the earlier closure of primary schools. This may make them especially sensitive about further proposals for change, and emphasises the importance of excellent communication and transition arrangements associated with any school organisation process.



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Recommendation 4 – That the Chief Executive of Education Leeds reports back to us on how Education Leeds will ensure that engagement with stakeholders, particularly staff, will take place in circumstances where the school leadership and governing body are not engaging with school organisation proposals.

Postscript

41. We note that the Executive Board agreed at its meeting in April 2010 to move to Stage C of the consultation process with regard to the proposals for City of Leeds High School. However we also note that, during this statutory notice period, the Board has asked that further work take place to explore alternative proposals put forward by the school governors, before a final decision is made.



Monitoring arrangements

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

Reports and Publications Submitted

- Letter from Councillor Ewens and Councillor Pryke to Councillor Hyde making request for scrutiny – 22 June 2009
- Submission to the Scrutiny Board from Councillor Ewens
- Letter from Chair of Open XS cluster to Councillor Richard Harker
- Letter from Ms Beeson to Councillor Hyde dated 24 July 2009
- Information for Scrutiny Working Group on 3 September 2009 – Education Leeds
- Report to Executive Board October 2008 – The National Challenge and structural change to secondary provision in Leeds
- Report to Executive Board January 2009 – The National Challenge and structural change to secondary provision in Leeds – progress report
- Report to Executive Board March 2009 – The National Challenge and structural change to secondary provision in Leeds
- Report to Executive Board October 2009 - The National Challenge and structural change to secondary provision in Leeds
- Correspondence addressed to Ms Beeson from Education Leeds and the Department for Children, Schools and Families – July/August 2009

Witnesses Heard

Councillor Penny Ewens
Councillor Ralph Pryke
Ms Adele Beeson – parent
Pat Toner – Director of Organisational Improvement, Education Leeds
Dee Reid – Education Leeds
Gareth Wilce – Communications Manager, Education Leeds



Members of Working Group

Councillor Bill Hyde (Chair)
Councillor Brian Cleasby
Councillor Karen Renshaw
Mr Tony Britten
Mr Ian Falkingham
Ms Claire Johnson
Mrs Sue Knights

Dates of Scrutiny

Scrutiny Board meeting – 9 July 2009
Working Group meeting – 3 September 2009
Working Group meeting – 26 October 2009

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**Scrutiny Board (Children's Services)
School organisation consultations
April 2010
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