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## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 4 March 2009

SUBJECT: Proposal to close South Leeds High School on 31 August 2009

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### EXECUTIVE SUMMARY

#### PURPOSE OF THIS REPORT

- 1 This report informs the Executive Board of the response to the statutory notice for the proposal to close South Leeds High School on 31 August 2009.
- 2 The Executive Board is the decision maker with regard to the school closure. The DCSF are separately completing a feasibility study about the proposed academy to be situated on the South Leeds High School site from 1 September 2009, which if successful, will lead to the approval of the academy by the Secretary of State.
- 3 This report recommends the Executive Board approve the closure of South Leeds High School on 31 August 2009.

#### BACKGROUND INFORMATION

- 4 The Executive Board approved the publication of a statutory notice in December 2008 following a public consultation on the proposal in September / October 2008. The statutory notice period ran from 12<sup>th</sup> December 2008 to 23<sup>rd</sup> January 2009.
- 5 Under the Education and Inspections Act 2006 the local authority has until 23 March 2009 to make a final decision on the closure proposal failing which the proposal must be referred to the Schools Adjudicator within one week for a decision. The Executive Board has chosen to set up the School Organisation Advisory Board (SOAB) to consider school organisation proposals in the event of any objections. In the absence of any objections it has not been convened and the Executive Board are required to make a decision on the proposal.

#### RESOURCE IMPLICATIONS

- 6 There would be an anticipated budget deficit of £1.15m to write off in order to open the new academy. To date, Leeds City Council has been unable to secure additional funding for this purpose, and in this circumstance would therefore expect to have to draw on the Dedicated Schools Grant to meet this deficit. The

projected deficit has increased as the school has not managed to keep within its budget recovery plan. Education Leeds is working with the governing body and School Partnership Trust to determine action to ensure that the deficit does not increase further.

- 7 In addition, there would be an ongoing impact on the Dedicated Schools Grant. In addition to the funding adjustment through replication of the local formula, ongoing funding would also be removed based on the level of central expenditure on certain activity within the schools budget. This funding adjustment would require the Local Authority to cut central expenditure in line with the reduction of funding. Due to the level of fixed costs, economies of scale and varying support provided for individual schools, the budget reduction is unlikely to match the cost reductions through no longer providing services to the closing school.
- 8 The DCSF guidance states that information will be provided to local authorities by February each year in order that an initial calculation can be included within the budget for the following year. Under the proposed model the actual adjustment will not be finalised until October, and could lead to an in year adjustment to the central schools budget.
- 9 There is a range of financial and other implications arising from the transfer of the asset to the Academy Trust, specifically linked to the existing PFI contract, which are discussed in the main body of the report.

## **RECOMMENDATIONS**

- 10 The Executive Board is asked to;
  - (i) Note there were no responses to the statutory notice
  - (ii) Approve the unconditional closure of South Leeds High School on 31 August 2009.
  - (iii) Note the PFI development costs that will be incurred by the City Council arising from the closure of South Leeds High School and establishment of an Academy.

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## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

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<p><b>Electoral Wards Affected:</b></p> <p><b>Middleton Park City and Hunslet Beeston and Holbeck</b></p> <p><input checked="" type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality &amp; Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input checked="" type="checkbox"/></p>
Eligible for Call-in <input checked="" type="checkbox"/>	Not Eligible for Call-in (Details contained in the Report) <input type="checkbox"/>

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### 1.0 PURPOSE OF THIS REPORT

- 1.1 This report informs the Executive Board of the responses to the statutory notice for the proposal to close South Leeds High School on 31 August 2009.
- 1.2 The Executive Board is the decision maker with regard to the school closure. The DCSF are separately completing a feasibility study about the proposed academy to be situated on the South Leeds High School site from 1 September 2009, which if successful will lead to the approval of the academy by the Secretary of State.
- 1.3 This report recommends the Executive Board approve the closure of South Leeds High School on 31 August 2009.

### 2.0 BACKGROUND INFORMATION

- 2.1 The Executive Board approved the publication of a statutory notice in December 2008 following a public consultation on the proposal in September / October 2008. The statutory notice period ran from 12<sup>th</sup> December 2008 to 23<sup>rd</sup> January 2009. A copy of the notice can be found in Appendix 1.

2.2 There were no responses to the statutory notice. The Education and Inspections Act 2006 (“the EIA”) determines under which paragraph the closure proposals should be considered by the local authority. If objections have been received the closure proposals are considered under paragraph 8 of Schedule 2 of the EIA and a subsection to that paragraph allows for conditions to apply. These conditions are set out in Regulations. One permitted condition allows closure proposals to be conditional upon the making of a funding agreement by the Secretary of State to establish an Academy. However where no objections have been received the closure proposals are considered under paragraph 19 of Schedule 2 to the EIA. This paragraph does not make provision for a condition to apply. Any decision to close the school will therefore have to be unconditional. This is an unintended consequence of the legislation as drafted and will require a change to primary legislation to allow conditional approvals to be given where no objections have been received. Should there be any problem with the approval of the academy in time, Leeds City Council would then need to revoke any closure decision. Information is not available at the present time regarding when the Funding Agreement will be signed by the Secretary of State. The feasibility phase for the Academy is due to end on 31 March 2009. The Secretary of State then decides whether to enter into a legally binding Funding Agreement to establish an Academy although there is no specified time limit. There is a very limited time to start the process for obtaining Executive Board approval to revoke any closure decision. To ensure that a decision to revoke the closure proposal is taken before the scheduled closure of the South Leeds High School on 31 August 2009 the following time table would need to be met:

**13 May 2009** – latest date for approval of Executive Board to publish statutory notice revoking closure

**29 June 2009** – End of statutory notice period ( Executive Board then has 2 months to decide on proposal. If objections are received to the proposal the proposal will fall to be considered by SOAB before going to Executive Board for a decision however -

**22 July 2009 or 26 August 2009** – last Executive Board meetings before South Leeds High School closes at which decision on revocation proposal can be taken.

2.3 Under the Education and Inspections Act 2006 the local authority has until 23 March 2009 to make a final decision on the closure proposal, otherwise the issue must be referred to the schools adjudicator within one week. The Executive Board at its meeting in October 2007 set up the School Organisation Advisory Board (SOAB) to consider and make recommendations upon school organisation proposals :-

- where objections have been submitted
- as otherwise required by the Authority.

In the absence of any objections, and in accordance with its terms of reference, the SOAB has not been convened, and the Executive Board are required to make a decision on the proposal. The Board is required to consider 4 key issues:

- Is there any information missing?  
The information is referred to or attached to this report.
- Does the published notice comply with statutory requirements?  
The published notice complies with statutory requirements.
- Has the public consultation been carried out prior to the publication of the notice?  
Details of the issues raised during the public consultation period were submitted in the Executive Board report of 3 December 2008. An extract of that report summarising the themes of the representations can be found in Appendix 2.
- Are the proposals ‘related’ to other published proposals and should therefore be considered together?

No the EIA outlines what can be considered related proposals for this purpose and does not include Academies.

### 3.0 THE MAIN ISSUES

3.1 There are 4 key reasons why Education Leeds believes this is the right proposal for South Leeds:

- The need to accelerate improvement. We recognise there has been improvement, but we need to see this impact faster on the achievements of young people.
- An academy would bring extra capacity (both professional expertise and other resources) to sustain improvement into the medium term.
- In the School Partnership Trust (SPT) we have a local partner committed to sustaining and building upon South Leeds High School's contribution to the wider education community of Leeds.
- SPT's knowledge and expertise involving local colleges, our universities, local health and social care services, the police and local businesses to improve opportunities and outcomes for young people is needed in South Leeds.

### 4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

4.1 The issues addressed in this report will impact on the 'Narrowing the Gap' and 'Going up a League' agendas. Academies in Leeds have the potential to contribute to the ambitious targets to meet key priorities within the Children and Young People's Plan and the work on the Local Area Agreement.

### 5.0 LEGAL AND RESOURCE IMPLICATIONS

#### Statutory implications

5.1 The decision on the closure of South Leeds High School is the responsibility of the Local Authority. The Authority must have regard to the Guidance issued by the DCSF. A full copy of the Guidance has been given to members of Executive Board. In particular when taking its decision on proposals in relation to school closures it should consider the following.

- Effects on Standards and School Improvement
- Academies provision
- Diversity
- Every Child Matters
- Need for Places
- Impact on Community and Travel

It should be noted that paragraph 4.27 of the Guidance is misleading in stating that where a school "proposed for closure is dependent on the establishment of an Academy, any approval of closure proposals should be conditional on the Secretary of State making an agreement for an Academy but there should be a general presumption in favour of approval". This conflicts with paragraph 4.64 of the same Guidance which states that conditional approval cannot be granted where proposals are decided where there are no objections as in the present case. The DCSF is aware of this "issue" and has indicated it will be taking steps to resolve it at some time in the future.

5.2 The Executive Board may:-

- Approve the proposals
- Reject the proposals

- Approve the proposals with a modification (e.g. school closure date) but not to the extent of substituting new proposals.

The Executive Board must give reasons for the decision irrespective of whether the proposals are rejected or approved indicating the main factors/criteria for the decision. There is no right of appeal against the decision in this case. If the Executive Board does not make a decision on the proposals within 2 months of the end of the statutory notice that is by 23 March 2009 the Authority must within one week refer the proposals to the Schools Adjudicator for a decision.. The Schools Adjudicator has no time limit within which to decide the proposals but has indicated a general target of 6 weeks although in complex closure cases where further consultation may be required it will take longer.

- 5.3 There is a separate process of consultation regarding the opening of the new academy with The School Partnership Trust as the sponsor. The final decision maker with responsibility for approving the opening of the specific new academy is the DCSF. In making this final decision they will consider the feasibility plan drawn up using input from informal consultation between the sponsor, and all key stakeholders, including the Principal designate, the staff, pupils, local residents and Leeds City Council.
- 5.4 Under current legislation, deficit budget balances at existing schools have to be written off by the Local Authority on closure. Legislation does not provide for a deficit budget balance to carry forward to a successor academy. The anticipated budget deficit is £1.15m. Leeds City Council has been unable to secure additional funding for this purpose to date, and in this circumstance would therefore expect to have to draw on the Dedicated Schools Grant to meet this deficit. This would impact on the budget available to the remaining schools. The projected deficit has increased as the school has not managed to keep within its budget recovery plan. Education Leeds is discussing with the governing body and SPT action to ensure that the deficit does not increase further.
- 5.5 In addition, there would be an ongoing impact on the Dedicated Schools Grant. For any new Academies from 2008/09 the budget adjustment will be based on a 'recoupment' method. This involves the removal of the level of funding that would have been provided to the Academy had it still have been funded through the local formula. In addition to the funding adjustment through replication of the local formula, funding would also be removed based on the level of central expenditure on certain central activity within the schools budget known as the Local Authority Central Spend Equivalent Grant (LACSEG). This is based on one figure per pupil on roll at the Academy (£99.79 in 2008/09) and a further amount per pupil at school action or school action plus on the SEN register (£120.81 in 2008/09). Based on pupil numbers at PLASC 2008 this would result in a LACSEG of £101,830 being removed from the Dedicated Schools Grant.
- 5.6 This funding adjustment will require the Local Authority to cut central expenditure in line with the reduction of funding. Due to the level of fixed costs, economies of scale and varying support provided for individual schools, the budget reduction is unlikely to match the cost reductions through no longer providing services to the closing school.
- 5.7 Given the nature of academies serving deprived communities it is very likely that the recoupment model would remove more funding than the pupil numbers generate within the dedicated schools grant calculation. The DCSF guidance states that information will be provided to local authorities by February each year in order that an initial calculation can be included within the budget for the following financial year. Under the proposed model the actual adjustment will not

be finalised until October, and could lead to an in year adjustment to the central schools budget. This methodology will lead to additional finance time being spent on discussing/ calculating/ agreeing annual budget adjustment figures with the DCSF Academies Unit, and possibly the management of in-year budget reductions within the schools budget.

- 5.8 Part of the funding that would go directly to the academy rather than via the local authority is the allocation for extended services. It is unclear what the potential academy may decide regarding this contribution, and therefore what the impact on the local extended services clusters in South Leeds may be. It should be noted that the local authority power to 'direct' community use is removed when a school becomes an academy. Out of hours use of the premises would be fully under the control of the governing body, within the terms of the PFI contract.
- 5.9 There are a range of other issues that need to be considered by the Executive Board, as a consequence of the closure of South Leeds High School and the creation of an academy. As Executive Board Members will be aware, South Leeds High School was one of the schools constructed through the Leeds Combined Secondary Schools Project. Through the creation of an academy the operation and use and control of South Leeds High School would transfer from the Governing Body to the control of the Academy Trust. However the effect of model contract documents from Partnerships for Schools considered below is that Leeds City Council would continue to be a counter-party to the PFI contract and responsible for the payment of the ongoing Unitary Charge Bill from Council resources, currently supplemented by contributions recovered from the Governors. The Academy will pick up the responsibility to pay contributions to the Council, and will be required to continue to work within the terms of the PFI arrangements, in particular the continued provision of Services by the PFI Contractor.
- 5.10 The model project documentation suggests that amounts contained in PFI 'Promissory note' will still be payable to the Council who will continue to be responsible for payment of the Unitary Charge. The Academy Trust will be funded directly by DCSF and the Council will need to enter into a Schools Agreement with the Academy Trust to ensure that the current financial and contractual obligations including the payment of premises management and maintenance costs, which makes up the balance of the Unitary Charge under the Governors Agreement, are transferred to the Academy Trust.
- 5.11 South Leeds was part of the Combined Secondary Schools Project which had a total capital build cost of £97.025 million of which the construction cost of South Leeds High School was £19.948 million. This attracts a current Unitary Charge bill of £13.204 million for all schools in the CSSP (of which £2.6m is for South Leeds High School), which is subject to annual indexation, adjustments for contractual risks and client change and benchmarking at five yearly intervals.
- 5.12 Model documentation setting out how risks will be dealt with for the duration of the PFI contract has been received from DCSF. Although governance arrangements are passed to the Academy Trust, since the Council will remain counter-party to the PFI contract it will retain responsibility for ongoing contract management, including payment of the Unitary Charge Bill, variation management and ensuring all contractual parties operate in a cooperative manner, including ensuring that the Academy Trust does not impede access for the PFI contractor and recovery of any costs relating to pupil vandalism directly from the academy. Given the ongoing financial commitment by the City Council, it is essential that a high level of contract management continues over the life of the PFI contract, to ensure value for money (VFM) for Leeds City Council. This will have a continuing resource implication for

## Education Leeds.

- 5.13 Under the terms of the documentation provided to the Council by DCSF, the DCSF indemnify LAs against default by the Academy Trust. However officers consider that further work is still required to ensure that the terms of the indemnity in the model document are wide enough to cover all potential increases in the Unitary Charge element relating to South Leeds. Within the current funding framework for SLHS PFI project there is an affordability gap that is resourced by Leeds City Council. Once SLHS becomes an academy the affordability gap will continue to exist and will still need to be funded by Leeds City Council. Further discussions are continuing with DCSF and the Academy Trust to seek to ensure that any other payments in relation to South Leeds High School that become payable to the PFI contractor are met by the Academy Trust, providing they haven't been incurred as a result of negligence on the part of the Council in its contract management role and, to ensure that if the Academy Trust defaulted on any of these payments, payment would be made through the DCSF indemnity. It is anticipated that the main principles of this documentation will be agreed by the end of March with documentation being completed prior to the Academy opening. It is understood that no additional budget allocation will be available to the Council.
- 5.14 In the establishment of an academy outside PFI, the Council and the Academy Trust are required to sign up to a lease of the land to the Academy Trust for a period of 125 years. As South Leeds High School was established through PFI, care needs to be taken to ensure this does not impact on the PFI arrangements. Again, Council Officers are currently working to address this issue through discussion with DCSF and Partnerships for Schools (Pfs). Again, it is anticipated that the main principles of this documentation will be agreed by the end of March with documentation being completed prior to the Academy opening. In accordance with the principles outlined above, the Academy Trust must accept that it is buying into the existing arrangements established through the PFI contract, including the already negotiated service agreements and building design.
- 5.15 To implement these contractual arrangements, the City Council will have to incur a number of costs relating to legal, financial and project management aspects of the transaction. A provisional estimate of between £100 and £200k has been provided for this work. It should be noted that these costs would be chargeable to revenue and there is no DCSF funding support available for these costs.
- 5.16 Another financial consideration by Leeds City Council is the treatment of VAT as a consequence of the formation of an academy. Whilst a new build is not required through these arrangements, there is the potential for extension or modification works, which may have future capital cost and VAT implications for Leeds City Council. Officers of Leeds City Council are clarifying the implications of VAT treatment in relation to the establishment of Academies and are seeking specialist advice, and anticipate that this work will be completed by the end of March, i.e. before the transfer of assets, and to meet the requirements of the academy approval process.
- 5.17 Concern has been expressed by the Leeds City Council regarding aspirations of the proposed academy for expansive use of the John Charles Centre, detailed in the Expression Of Interest. Education Leeds has worked with South Leeds High School and the Council to develop a Service Level Agreement which will protect the interests of the Council and enable the school to access sporting provision at the John Charles Centre.
- 5.18 The expression of interest proposed a sixth form of 300. Currently there are



approximately 50 on roll in the sixth form. Nationally, funding for 16-19 assumes no growth in numbers in sixth forms and colleges. Under current arrangements for academies the DCSF top slice the post 16 funding available to the LSC based on forecast numbers from the academies. The LSC then has to manage any growth in this academy top slice through further reductions in funding to maintained sixth forms and colleges. It is unclear as to whether this management would take place ring-fenced to the Leeds allocation or would be managed regionally. If any increase in academy sixth form numbers had to be managed within the Leeds allocation it could have a significant effect on the funding of other provision.

## **6.0 RECOMMENDATIONS**

6.1 The Executive Board is asked to;

- (i) Note there were no responses to the statutory notice
- (ii) Approve the unconditional closure of South Leeds High School on 31 August 2009
- (iii) Note the PFI development costs that will be incurred by the City Council arising from the closure of South Leeds High School and establishment of an Academy.

## **7.0 BACKGROUND REPORTS**

7.1 Exec Board December 2008. Future secondary provision proposal for South Leeds High School. Report back on public consultation  
Schools Forum Report 18<sup>th</sup> September 2008. Future secondary school provision proposals for South Leeds High School and South Leeds High School  
Exec Board July 2008. South Leeds Expression of Interest.  
Exec Board October 2007. Consultation Draft on the future of Academies in Leeds  
Exec Board October 2007. Arrangements post the abolition of the Leeds School Organisation Committee.

## Appendix 1 Copy of the Statutory Notice – Full Notice

### MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

Insert the information asked for in the expandable box below each section.

#### **Contact details**

**1.** The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

*Leeds City Council, C/O Chief Executive, Education Leeds, FAO School Organisation Team, 9th Floor West, Merrion House, Merrion Centre, Leeds LS2 8DT is proposing the closure of South Leeds High School. The closure is conditional upon the making of an Agreement between the Secretary of State for Children Families and Schools and the School Partnership Trust to open an Academy on the same site.*

#### **Implementation**

**2.** The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

*South Leeds High School would close on 31/08/09.. The new School, Partnership Trust Academy would open on 1 September 2009.*

#### **Consultation**

**3.** A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

*In accordance with current statutory requirements and guidance a 6 week consultation period on the proposed closure of South Leeds High School was held from 8 Sept to 17 Oct 2008. Responses were duly recorded and considered by Leeds City Council Executive Board, which has decided to proceed with the consultation.*

**4.** Evidence of the consultation before the proposals were published including—

- (a) a list of persons and/or parties who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted; and
- (d) copies of all consultation documents and a statement of how these were made available.

*Details of who was consulted and how, how the consultation document was distributed, and the responses to the consultation can all be found in the report to Leeds City Council Executive Board “Future Secondary Provision Proposal for South Leeds High School”. The report, alongside the consultation document, and the minutes of the meetings can all be found at [www.educationleeds.co.uk/schoolorganisation](http://www.educationleeds.co.uk/schoolorganisation). Alternatively you can obtain a copy from School Organisation Team, Education Leeds, 9th Floor West, Merrion House, Merrion Centre, Leeds, LS2 8DT.*

#### **Objectives**

**5.** The objectives of the proposal.

*The objective of the proposal is to improve educational outcomes for children and young people in inner south Leeds. The proposal aims to accelerate improvements in outcomes for children and expects the establishment of a new Academy following the proposed closure to sustain and build upon the Academy’s contribution to the wider education community of Leeds, and to use it’s expertise in involving local partners to improve opportunities and outcomes for children and young people.*

#### **Standards and Diversity**

**6.** A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

*The proposal to close South Leeds High School is driven in large part by a response to the National Challenge to improve standards. It is expected that the additional resources provided by an Academy should enable standards to be improved. This would be the only Academy in the south of the city, and it is expected to increase choice and diversity for students in that area. The sponsor for the new Academy has a record of attainment at Garforth Community College.*

### **Provision for 16 -19 year olds**

**7.** Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities, for 16-19 year olds in the area.

*The proposed Academy is expected to continue to operate a sixth form, details of which are to be agreed between the Secretary of State and the School Partnership Trust. The broader 14-19 needs across the city are currently under review, and the new Academy would also be expected to participate fully in these plans.*

### **Need for places**

**8.** A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

*It is intended that pupils will transfer to the new Academy in accordance with pupil admission arrangements of the new Academy or seek admission to other schools that have places available.*

**9.** Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

*Not applicable*

### **Current School Information**

**10.** Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

*South Leeds High School is a co-educational 11-19 school. The current school has an admissions limit of 210, providing an 11-16 capacity of 1050. The overall net capacity is 1225. At PLASC 08 it had 1138 11-16 year olds on roll, and 52 post 16. It had and 14 children (1%) with statemented SEN and a further 505 on school action or school action plus (44%).*

### **Displaced Pupils**

**11.** Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

*It is intended that pupils will transfer to the new Academy in accordance with pupil admission arrangements of the new Academy or seek admission to other schools that have places available.*

**12.** Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

*It is expected that the proposed academy will offer the same admissions limit of 210.*

### **Impact on the Community**

**13.** A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

*The new Academy is expected to draw from the same community, and any adverse impact is not anticipated*

**14.** Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

*The school is part of the LS10XS extended services cluster. It would be for the new Academy to consider whether to remain a part of the cluster or provide access to extended services through alternative partnerships.*

### **Travel**

**15.** Details of length and journeys to alternative provision.

*The new academy will be on the same site and will not alter journeys to/from school*

**16.** The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

*The Education Leeds Policy for the Provision of Home to School or College Transport for Children and Students Prior to their nineteenth birthday current at the time of transfer will apply as appropriate to pupils attending other schools.*

#### **Related Proposals.**

**17.** A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

*The closure of South Leeds High School is conditional upon the making of an agreement between the Secretary of State for Children, School and Families and the School Partnership Trust to open an Academy on the same site on 1 September 2009 and to which pupils will transfer in accordance with pupil admission arrangements of the new Academy or seek admission to other schools that have places available.*

#### **Rural Primary Schools**

**18.** Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15 of the EIA 2006, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
  - (b) the availability, and likely cost to the local education authority, of transport to other schools;
  - (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
  - (d) any alternatives to the discontinuance of the school,
- as required by section 15(4) of the EIA 2006.

*Not applicable*

#### **Maintained nursery schools**

**19.** Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- (b) the local education authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

*Not applicable*

#### **Special educational provision**

**20.** Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

*Not applicable*

**Appendix 1 Extract of the Executive Board Report December 2008**  
**'Future secondary provision proposal for South Leeds High School'**  
**Main Report, Section 3 Main Issues.**

- 3.6 **Theme 1. The reasons for further change, and the desire for stability to consolidate following extensive recent change. Why an academy?**  
Within the context of the National Challenge, the local authority is obliged to consider structural and governance changes, including academy status, to accelerate improvements at the school. The government has raised their expectations of the minimum standards schools must achieve, and the timescale to achieve them. Education Leeds believes that South Leeds High School has made a powerful contribution to social cohesion in South Leeds and that Academy status would build the capacity to sustain these improvements into the medium and long term. Furthermore, Education Leeds believes the proposed change in governance from community school to academy status would be considerably less disruptive for pupils than the previous amalgamation.
- 3.7 **Theme 2. Staffing issues; employment rights, staffing structure, pay and conditions, union recognition. The role of the current head teacher.**  
The Transfer of Undertakings (protection of Employment) Regulations 2006 (TUPE) apply to staff. This ensures that staff would have a job at the new academy and that their terms and conditions, including pension entitlements, would be protected. A new staffing structure would be the prerogative of the Governing body. Should any new staffing structure be agreed, this would require consultation under TUPE. Education Leeds would offer support in seeking redeployment to those choosing to resign their post in principle as an alternative to working in an academy.
- 3.8 **Theme 3. Details of the proposed academy; curriculum, admissions policy, exclusions policy, transition arrangements. Why & how it would be better for pupils and the community.**  
Schools Partnership Trust has outlined their intention to consult fully on all aspects of the new academy to ensure the views of all stakeholders are taken into account. Specific reassurances have been given regarding the admissions policy and exclusion arrangements, in line with the memorandum of understanding currently under consideration. Details of some aspects of the curriculum are dependent on the wider 14-19 review currently underway, however School Partnership Trust have a clear commitment to individualised learning, and to both academic and vocational pathways. They have indicated their intent to introduce specialisms of humanities and vocational education.
- 3.9 **Theme 4. School Partnership Trust as an organisation, their role, funding, plans and background, comparisons to other academy sponsors.**  
School Partnership Trust (SPT) is a charitable trust with membership from Garforth community college and four primary schools in Garforth, Leeds NHS (formally the PCT), and Trinity. (formally Trinity and All Saints College). They have used their experience as a Trust to work in partnership with agencies such as the PCT, social services and the universities to secure improved outcomes for children in that area. They have a fully inclusive ethos, and wish to work with the local community to provide local solutions for local people.
- 3.10 **Theme 5 Governance, accountability and process issues**  
The constitution of the academy's governing body must include the sponsor, the local authority, the principal and parent representatives. SPT have indicated that they will ensure that their articles of association will also ensure representation from teaching and support staff. 51% of the governing body of any academy must be appointed by sponsor. South Leeds High School intend to use local people to fill these roles.
- 3.11 **Theme 6 Financial and miscellaneous**  
These issues are addressed individually in the summary of consultation responses in appendix 3.

