



Report of the Director of Legal and Democratic Services

Report to Executive Board

Date: 17th May 2006

Subject: Local Government Ombudsman Report on a School Closure notice

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

1.0 PURPOSE OF THE REPORT

- 1.1** To inform Members of a recent finding of maladministration and injustice in a report issued by the Local Government Ombudsman.

2.0 BACKGROUND

- 2.1** Section 31(2) of the Local Government Act 1974 requires that where the Ombudsman issues a report with a finding of injustice caused by maladministration, the authority will consider the report.
- 2.2** In relation to executive functions, this requirement in Leeds is fulfilled by reporting to the Executive Board. A copy of the Ombudsman report is attached as Appendix A
- 2.3** The Ombudsman's findings must be advertised in two newspapers and copies of the report be made available for public inspection.
- 2.4** Notices setting out the Ombudsman's findings were placed in the Yorkshire Post and Yorkshire Evening Post on Thursday 6th April 2006 and the report was available for inspection at the Civic Hall Information Centre, Leeds and Education Leeds' Head Office, Merrion House for three weeks from Thursday 6th April 2006.
- 2.5** The Admission Forum considered the Ombudsman's report at its meeting on 24th April 2006 and saw no reason to dispute the findings.

3.0 COMPLAINT SUMMARY

- 3.1** The complainant sent her son to a particular school. That school was due to close but she was reassured by a categorical statement by the Council that all pupils at the school would be found places at a new Academy. In the event the Academy could not accommodate all of the pupils.

4.0 DEPARTMENTAL RESPONSE

When the closure of the two schools was proposed in the public notice it was envisaged that all pupils would be able to transfer to a new Academy and a guarantee was made to that effect. This was seen at the time as offering parents certainty and therefore a good practice. The guarantee was also repeated in literature put out by the Academy following the decision to proceed with the proposal. The final entry year groups transferring from the schools in September 2005 for the closing schools were high and it became apparent that there were too many children in year 7 to be physically accommodated in the new Academy in year 8.

This situation arose due to the higher than usual numbers of children entering School A in September 2005. In each of the other year groups the combined numbers of the two closing schools A & B was close to 180 and it was anticipated that the September 2005 entry would be similar. However due to a range of factors, including the closure of a Catholic secondary school nearby there were significantly more pupils in year 7 in School A, although still well below the admission number for the school. The Academy felt unable to accommodate these additional children in the new school.

Therefore the Admissions policy which would normally apply in the event of over subscription was applied to identify the 180 children who would be offered places. At that time there were 54 children for whom it was not possible to offer a place at the Academy and a waiting list was established. The complainant's child was amongst those not offered a place at this stage. When the places were offered from the waiting list the complainant's child was amongst the first to be given a place. Hence the complainant's child was offered a place through the application of the policy.

This restriction to 180 was a decision made by an Academy and not the Council. The Academy has not felt able to assist in resolving the issue by, for example the use of temporary classrooms on site. Where issues of this nature have happened at maintained schools, for example at School C in September 2006, we have taken this action. School C is a new school formed by the closure of two secondary schools and where the numbers in the current year groups exceed the capacity of the new school. We have agreed to place eight temporary classrooms on the site to cope with the initial bulge in various year groups as they work their way through the school. A similar option would have been open to the Academy.

5.0 LESSONS LEARNED AND SERVICE IMPROVEMENT

The Authority accepts that in future suitable qualifications will be made to public notices. All notices written since this complaint have not contained guarantees of this nature. The Ombudsman's report acknowledges that the Authority has worked well with the parents affected to resolve the situation.

6.0 RECOMMENDATION

6.1 Members are requested to:

- i) Receive and note the Ombudsman's report and findings
- ii) Approve the Ombudsman recommendation to pay £250 to the complainant or the injustice noted.