

CABINET

DETERMINATION OF BSF STATUTORY PROPOSALS: PROPOSED DISCONTINUANCES OF KASKENMOOR AND SOUTH CHADDERTON SCHOOLS

REPORT OF THE EXECUTIVE DIRECTOR PEOPLE COMMUNITIES AND SOCIETY

1. PURPOSE OF REPORT

- 1.1** This report seeks final determination of the proposals to discontinue Kaskenmoor and South Chadderton Schools with effect from 31 August 2010, to enable the proposed establishment of an Academy, sponsored by The Oasis Learning Trust (Oasis), on 1 September 2010, as part of the Building Schools for the Future (BSF) Programme.

2. EXECUTIVE SUMMARY

- 2.1** Following a statutory consultation process reported to Cabinet in EDRS 8120058, a Notice was published on 8 January 2009. This formalised the Council's intention to discontinue Kaskenmoor and South Chadderton Schools with effect from 31 August 2010.
- 2.2** The regulatory six-week Representation Period closed on Wednesday 18 February 2009 and the proposals must now be determined.
- 2.3** The Local Authority (LA) is the Decision Maker (DM) for these proposals, in accordance with powers conferred by the Education & Inspection Act 2006. Under certain circumstances such decisions may be delegated. It was agreed through EDRS 8120058, however, to reserve such decisions to Cabinet because of the size and scale of the BSF Programme.
- 2.4** Both proposals are related and therefore must be considered together to ensure that the decisions are compatible.

3. RECOMMENDATIONS

- 3.1** The recommendation is to conditionally approve the proposals to:
- Discontinue Kaskenmoor School with effect from 31 August 2010.
 - Discontinue South Chadderton School with effect from 31 August 2010.
- 3.2** Both approvals should be conditional upon the making of an agreement under section 482(1) of the 1996 Act for the establishment of the Oasis Academy which will provide for the pupils currently at the schools which are the subject of the

proposals to transfer to the Academy.

- 3.3** This condition must be met by 30 June 2009. If it is not met by the specified date, the proposals must be referred back to Cabinet for fresh consideration or modification before the date expires.
- 3.4** The reason for this recommendation is that the conditional approval will protect the Council's position and that implementation of this proposal will enable realisation of the corporate BSF vision to deliver educational transformation through:
- Improving choice, diversity and access
 - Addressing underperformance
 - Personalising learning
 - Improving 14-19 provision
 - Improving SEN and inclusion
 - Better integrating Children's Services and extended school provision

These are detailed in full in section 7.2 below.

- 3.5** Cabinet is further recommended to exempt the decisions flowing from this Report from Call-in so that BSF and statutory timeframes can be met.
- 3.6** DMs must take account of Statutory Guidance for Decision Makers issued by the Secretary of State. All decisions must include the reasons for reaching them. To inform this, a summary of representations received and an Officer commentary on each of the statutory decision making factors are attached as Appendices.

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4. INTRODUCTION/BACKGROUND

4.1 The BSF Programme contains a wide range of proposals for Oldham's secondary schools, some of which require a statutory process to reach decisions on whether or not they should proceed.

4.2 This report is concerned with the proposed discontinuances of Kaskenmoor and South Chadderton Schools with effect from 31 August 2010, to enable the proposed establishment of an Academy, sponsored by the Oasis Learning Trust, on 1 September 2010.

4.3 A formal consultation was undertaken in the Autumn of 2008 as reported in EDRS 8120058 which approved the publication of a Notice to progress the proposals.

4.4 Following publication of the Notice, there then follows a statutory six-week Representation Period. This is to enable interested parties to submit any comments either in favour of or against the proposals. The Decision Maker (DM) must consider any representations received when determining the proposals.

4.5 The DM for this proposal is the LA, in accordance with powers conferred by the Education & Inspection Act 2006. Where no objections are received, such decisions may be delegated. It was agreed, however, through EDRS 8120058 to reserve such decisions for proposals arising from BSF to Cabinet, given the size and scale of the Programme.

4.6 The DM has to take account of statutory guidance laid down by the Secretary of State when considering such proposals. This guidance is available from the DCSF School Organisation website:

http://www.dcsf.gov.uk/schoolorg/data/guidance_Documents/ClosureGuide%20DM%20ONLY%202008-01-18.pdf

4.7 DMs must consider:

- The completeness of the proposals
- Compliance of the Notice with statutory requirements
- Whether statutory consultation has been carried out prior to publication of the Notice
- Whether the proposals are related to any other published proposals

A commentary on each is provided in Appendix B

4.8 All proposals should be considered on their individual merits. The statutory guidance contains a range of factors to be considered by DMs. The factors applicable to these discontinuance proposals are:

- Effect on Standards and School Improvement
- Need for Places

- Impact on Community and Travel
- Specific Age Provision
- SEN Provision
- Views of Interested Parties

A commentary on each of these is provided in Appendix B.

4.9 DMs must give reasons for their decision, irrespective of whether the proposals are rejected or approved. A copy of the decision and reasons must be forwarded to:

- The person or body who published the proposals (where this is not the LA)
- Any objectors to the proposals
- The Secretary of State
- The local C of E Diocese
- The local RC Diocese
- The LSC (where the school includes provision for 14-16 education)
- The Schools Adjudicator (where determined by the LA)

4.10 Where the LA is the DM, it must reach its decision within 2 months of the end of the representation period. If this is not possible, the proposals must be passed onto the Schools Adjudicator for a decision. In this case, the last date by which the LA must have determined this proposal is 18 April 2009. Furthermore, in order to comply with conditions of approval of Oldham's BSF Outline Business Case (OBC) these proposals must be determined before the end of March 2009. It is for these reasons that approval for exemption from Call-in is requested.

4.11 The two discontinuance proposals are related therefore the decisions must be taken together to ensure they are compatible.

4.12 The LA has no role in the establishment of Academies. Such decisions are taken by the Secretary of State for Children, Schools and Families by the signing of a Funding Agreement at the end of the Academy feasibility stage. Any decisions to discontinue schools to enable the establishment of an Academy must, therefore, be made conditional upon the signing of the related Funding Agreement.

4.13 Cabinet, as DM, must set a date by which any conditions of approval should be met but is able to modify the date if the LA, as proposer, confirms, before the date expires, that the condition will be met later than originally thought. The LA should inform both Cabinet, as DM, and Department for Children, Schools and Families, via the School Organisation Unit, when a condition is met. If a condition is not met by the date specified, the proposals must be referred back to Cabinet for fresh consideration.

5. CURRENT POSITION

5.1 A combined Notice summarising both proposals was published on 8 January 2009 and the regulatory six weeks Representation Period closed on 18 February 2009.

5.2 Copies of the Notice were also displayed in the school entrances, post offices within one mile of the schools and public libraries. Full proposals were circulated to prescribed bodies and copies are available for viewing on Level 6 of the Civic

Centre.

- 5.3** There have been two representations received in response to these proposals. These are summarised in Appendix A which also contains comments from the BSF Programme Team.

6. OPTIONS/ALTERNATIVES

6.1 There are four options available to Cabinet with regard to these proposals.

6.2 **Option 1:** Approve the proposals unconditionally. This would require the Council to implement the proposal as published, whatever the future circumstances.

6.3 **Option 2:** Approve the proposals subject to specific conditions as provided for within regulations occurring by a set date. There is one permitted condition applicable to this proposal as detailed in section 7.1 below.

6.4 **Option 3:** Approve the proposals with a modification such as to the implementation date. No modifications are considered appropriate in this case.

6.5 **Option 4:** Reject the proposals. This could jeopardise access to BSF Programme funding and the LA would still be presented with problems in relation to:

- Significant and growing surplus places and the declining viability of some schools in terms of student numbers
- The condition of our secondary school stock and the ongoing need for capital investment to address those condition issues
- The sustainability of aging schools, as the curriculum and teaching and learning styles change significantly
- The government challenge for radical intervention in schools falling below the 30% target for 5 A*-C GCSEs including English and Maths
- Maintaining the rate of improvement at those schools which are improving but borderline in terms of the Government target
- A lack of alternative funds for capital investment should these changes not be delivered through BSF

7. PREFERRED OPTION

7.1 The preferred option is to approve the proposals subject to the making of an agreement under section 482(1) of the 1996 Act for the establishment of the Oasis Academy which will provide for the pupils currently at the schools which are the subject of the proposals to transfer to the Academy.

7.2 The reasons for recommending this option are that the conditional approval will protect the Council's position and the implementation of the proposals will enable realisation of the corporate BSF vision to bring about 'regeneration through education' by recognising the critical link between attainment/learning and participation in the knowledge industries/service economies that is the strength of the Greater Manchester city region. BSF serves as a catalyst for a fundamental transformation of secondary education in the Borough, including the full range of formal and informal learning opportunities offered to young people and the wider

community. The following priorities reflect the objectives of Oldham's BSF programme to deliver education transformation through:

Improving choice, diversity and access by:

- Removing surplus places whilst also addressing the need to create more de-segregated schools as part of Oldham's community cohesion strategy
- Embracing the driver of BSF to carry forward changes in school governance as part of the wider strategy for improvement, including replacing five closing schools with 3 Academies (sponsored by Oasis, Edutrust, and Oldham College) and supporting schools with other changes of governance, including trusts, foundations, and federations
- Ensuring fair access to high quality schools for all parts of the community, whilst meeting the needs of individual learners and their families within a diversity of provision
- Creating high attaining schools of the appropriate size in the right locations to meet the needs of local and Borough-wide communities
- Creating de-segregated schools, welcoming to all pupils, of whatever faith or social background, and sensitive to their individual needs
- Establishing an educational trust attached to the family of secondary schools, with the aim of extending the benefits of new Academy innovations and partnerships across the sector, and to developing the regional and sub-regional role of the LA to forge stronger public and private partnerships designed to support school improvement, learning and innovation

Addressing underperformance by:

- Using the delivery of new school environments to inspire students, staff, governors, parents and other stakeholders to deliver 21st Century learning that transforms opportunities for students and communities
- Delivering a secondary system where all schools exceed national targets (by 2015)
- Ensuring the current gaps in performance between all groups are reduced
- Improving attendance rates and reducing the number of days lost by exclusions
- Raising aspirations among all sections of the community, particularly those underachieving

Personalising learning by:

- Utilising evidence-based practice to ensure teaching and learning methodologies deliver the highest outcomes and meet the needs of all learners
- Providing every individual with a rich range of opportunities for informal learning, sport, leisure and social education and personalised support
- Providing environments that enable the delivery of a more personalised model of learning and service delivery that meet the needs of all learners and their learning styles, thus ensuring better outcomes for all young people
- Fully harnessing the potential of modern Information and Communications Technology (ICT) to deliver this transformation of formal and informal learning across the Borough, within the school and across the wider community

Improving 14-19 provision by:

- Delivering the full 14-19 entitlement to all students, giving every individual the opportunity to progress successfully to employment, training, further and higher education as appropriate
- Exploring options for enhanced collaboration, focusing on post-16 partnerships,

and the development of links between schools and between schools and the two Further Education Colleges in the Borough

- Providing a focal point for partnership work, innovation and enterprise among the whole secondary learning sector, Further Education and Higher Education sectors, and other public and private partners in transforming learning

Improved Special Educational Needs (SEN) and inclusion by:

- Improving practice and facilities in mainstream schools to ensure the needs of greater numbers of pupils are met within that environment
- Developing a continuum of provision to meet the needs of groups of learners with additional needs
- Improving provision for behaviour support

Better integration of children's services and extended school provision by:

- Ensuring secondary schools play a leading role in the Council's approach in delivering community cohesion across the Borough, through the delivery of excellent services in neighbourhoods and communities and through supporting the full development of services around all the Local Authority's secondary schools and as focal points for health, social and educational/learning services
- Working with regeneration partners to deliver and expand the wider strategy of programmes designed to develop prosperity and economic vibrancy within the Borough, linked to the wider city region
- Driving forward collaborative working across schools and other providers with particular reference to planning, funding and service delivery including provision of specialist learning programmes, integrated children's services, health, sport, culture and leisure opportunities
- Using BSF as a driver to join up funding streams to increase the efficiency and effectiveness of service delivery

7.3 The date by which this condition must be met should be set at 30 June 2009 which is the date by which the Academy OBC must be finalised.

8. CONSULTATION

8.1 All statutory requirements to consult prior to the publication of the Notice have been complied with during the progression of these proposals.

8.2 Two previous Cabinet Reports, references EDRS 7060018 and 8120058, provide full details of the processes and outcomes. A comprehensive report on the recent formal consultation is available on the Internet through the following link:
http://www.oldham.gov.uk/transforming_secondary_education_statutory_consultation_report_dec_08.pdf

8.3 The Representation Period, which has just closed, is the final opportunity for interested parties to submit comments on the proposals.

8.4 Appendix A summarises the representations received in response to the discontinuance Notice together with the BSF Programme's responses.

8.5 In total two representations have been received in response to these proposals:

- One from the Oldham NUT objecting to the proposed discontinuances of any Oldham community school to enable the establishment of an Academy.
- One from the Governing Body of South Chadderton School supporting the proposal to discontinue South Chadderton School and create a new Academy and wishing to place on record a number of ongoing concerns and caveats.

The DM is required to take account of representations received when determining the outcome of any proposal.

9. FINANCIAL IMPLICATIONS

- 9.1** There are no financial implications arising directly from this report. Funding issues associated with the Building Schools for the Future Programme, of which this forms a part, have been the subject of previous reports and approvals. (RL)

10. CORPORATE HUMAN RESOURCES COMMENTS

- 10.1** No Corporate HR comments are relevant however the BSF Strategic HR Adviser has provided the following:

- 10.2** All staff and Trade Unions have been consulted and informed at each key stage of the process thus far with regard to the staffing implications of school closures and the establishment of Academies. The BSF Strategic HR Adviser was present at all closing school and primary school consultation meetings to offer advice and guidance.

- 10.3** The Governing Body of the proposed Academy will be responsible for appointing staff. Oldham's proposed Sponsors have all committed to retaining national pay and service conditions for all staff in Oldham's Academies.

- 10.4** Transfer of Undertakings (Protection of Employment) regulations (TUPE) will be applied where appropriate to preserve the continuity of employment terms and conditions of all employees who transfer to the Academies. (JR)

11. LEGAL SERVICES' COMMENTS

- 11.1** The statutory framework for school reorganisation is complex and diversely sourced. The report summarises those issues to which the Cabinet, as Decision Maker, must have regard in reaching a determination of the proposal, and makes reference to statutory and non-statutory Guidance where necessary.

- 11.2** The discontinuance of the two schools is dependent upon the establishment of an Academy in their place. If the proposals are approved by the DM therefore, the approval should be made conditional upon the Secretary of State entering into an agreement for the establishment of the Academy. The DM must state a date by which the condition is to be met although this can be modified if it proves not to be achievable by that date.

- 11.3** There is a time limit of 2 months from the end of the representation period within which the DM must decide the proposals. Failing this, the proposals and any representations not withdrawn must be forwarded to the school adjudicator for a decision within a week from the end of the 2 month period.

12. TREASURER'S COMMENTS

12.1 See section 9 above (RL)

13. IT IMPLICATIONS

13.1 There are none directly flowing from this report. BSF funding will incorporate significant investment in ICT provision across the whole of the secondary school estate to enable the transformation of learning.

14. PROPERTY IMPLICATIONS

14.1 There are 5 existing sites involved in this part of the BSF programme, Kaskenmoor School, South Chadderton School, Brook Mill, Merton Avenue Playing Fields and Oak Colliery.

14.2 It is proposed that the Academy Sponsor (The Oasis) has a short-term lease, for a period to be determined, for them to manage Kaskenmoor and South Chadderton Schools on the existing school sites until the new Academy is built on the Brook Mill site.

14.3 On completion of the new build, it has been agreed that the existing playing fields at both Merton Avenue and Oak Colliery be retained for use by the Academy as a detached playing field provision.

14.4 The sports facilities at Kaskenmoor School will be retained for use by New Bridge Secondary Special School.

14.5 The sports facilities at South Chadderton School will be retained for use by the new SEBD (Social, Educational and Behavioural Difficulties) Unit and Whitegate End Primary.

14.6 Both sports facilities will also be available as part of the Council's wider sports and playing field strategy and for community use.

14.7 The remainder of the Kaskenmoor and South Chadderton sites will then be surplus to operational requirements and disposed of on the open market for residential or other development. (TE)

15. ENVIRONMENTAL AND HEALTH & SAFETY IMPLICATIONS

15.1 There are none directly flowing from this report. Planning applications for all building projects arising from the BSF Programme will include environmental and travel impact assessments.

16. COMMUNITY COHESION IMPLICATIONS (INCLUDING CRIME AND DISORDER IMPLICATIONS IN ACCORDANCE WITH SECTION 17 OF THE ACT)

16.1 Subject to the proposed Academy being established in September 2010, the next stage in realising the BSF vision will be the proposed relocation of the Academy to its new site. An intended outcome of the re-location of secondary schools is that they will in the future be characterised by a more diverse intake. This is a major step

forward in the aspiration to arrive at greater diversity across all schools in Oldham. This is an issue that is central to intentions around community cohesion and an important building block in socio-economic integration as well as the continual drive to increase the achievements and opportunities for all children and young people.

16.2 An Equalities Impact Assessment of the proposals has been undertaken (SEE Appendix C). The equalities implications do not raise fundamental problems that would provide a reason not to proceed with the proposed closures. However, the Assessment makes recommendations for actions which would mitigate potential adverse impacts of the closures on particular groups. These are:

1. To develop a long-term Compact between the local authority and school governing bodies with agreements on:
 - Community cohesion outcomes relating to broad targets for the composition of student populations;
 - Admissions arrangements;
 - Collaboration on curriculum development including e.g. delivery of the 14-19 entitlement and the inclusion of curriculum materials which reflect the diversity of Oldham;
 - In-year arrangements for fair access (e.g. for excluded pupils);
 - Reporting and responding to hate incidents and community tensions;
 - A data sharing protocol including providing pupil level attainment data to the local authority, which will enable it to have oversight of patterns of differential attainment;
 - Community access to school facilities at fair prices;
 - Good practice on equalities issues e.g. relating to a range of policies (such as Equal Opportunities, Sex & Relationships Education and Behaviour) and including the needs of a range of vulnerable groups (such as LGBT people and disabled people);
 - Other issues relating to participating as a family of schools working together across Oldham.
2. Ensure student and staff, parent/carer and wider community input into the programme around specific schools including involvement on issues including: design of buildings; curriculum; uniform; transport/travel; faith and cultural issues; food/diet; co-existence of schools and local communities.
3. That a change management programme be developed for each school addressing preparation for change including:
 - Work with pupils and parents including: primary school linking; joint work between merging schools; and phasing arrangements for merging schools (what years come together when and where);
 - Work with staff and governors including: curriculum development; school design; cultural awareness/meeting the needs of students from diverse communities; behaviour management and ensuring harmonious relationships between students from different cultural backgrounds;

- Work with communities to build understanding of issues and including: input into planning the design, facilities and use of the school (including community access policies, parking arrangements etc)
4. Work with Greater Manchester Passenger Transport Executive, bus operators and others to prepare a co-ordinated BSF transport plan which takes account of: the changing locations of schools in relation to where students live; transitional arrangements as new schools are established; arrangements for travel during the school day as well as students' journeys to and from school; the specific needs of students (such as disabled students); community impacts; student well-being; and costs for families.
 5. Ensure that the BSF communications plan meets the needs of parents and communities both in relation to the issues it covers (e.g. in relation to admissions and other issues of concern to students, parents and communities such as how the needs of students with specific needs will be met and the work to ensure the well-being of students during a period of transition) as well as being delivered in a way that makes the information accessible to communities.
 6. Develop the role of the BSF Stakeholder Forum as a group that can review equalities issues on an ongoing basis.
 7. Work with faith schools to influence the detailed development of their admissions criteria, with the aim of ensuring that faith schools are able to contribute to achieving schools with a greater level of social and cultural diversity.
 8. Ensure that equalities issues form part of the ongoing evaluation of the Transforming Secondary Education programme. The Council will help ensure that there is a focus on equalities and community cohesion issues within this, by collating and analysing information about progress in individual schools and across the Borough as a whole and, to the extent it is able, providing support and challenge to schools. (BP)

17. RECOMMENDATIONS

- 17.1** The recommendation is to conditionally approve the proposals to:
- Discontinue Kaskenmoor School with effect from 31 August 2010.
 - Discontinue South Chadderton School with effect from 31 August 2010.
- 17.2** Both approvals should be conditional upon the making of an agreement under section 482(1) of the 1996 Act for the establishment of the Oasis Academy which will provide for the pupils currently at the schools which are the subject of the proposals to transfer to the Academy.
- 17.3** This condition must be met by 30 June 2009. If not met by the specified date, the proposals must be referred back to Cabinet for fresh consideration or modification before the date expires.
- 17.4** The reason for this recommendation is that the condition will protect the Council's position and implementation of the proposals will enable realisation of the Corporate

BSF vision to bring about ‘regeneration through education’ and deliver educational transformation through:

- Improving choice, diversity and access
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These are detailed in full in section 7.2 above.

17.5 Cabinet is further recommended to exempt the decisions flowing from this Report from Call-in so that BSF and statutory timeframes can be met.

17.6 DMs must take account of Statutory Guidance for Decision Makers issued by the Secretary of State. All decisions must include the reasons for reaching them. To inform this, a summary of representations received and an Officer commentary on each of the statutory decision making factors are attached at Appendices A and B.

18. FORWARD PLAN REFERENCE PCS 26-08

18.1 Key Decision: YES

19.0 SUPPORTING PAPERS

N/A

BACKGROUND PAPERS

The following is a list of background papers on which this Report is based in accordance with the requirements of Section 100D(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by that Act.

DOCUMENT	DATE	FILE OR OTHER REFERENCE	PLACE OF INSPECTION
DCSF Guide for LAs and Governing Bodies on closing a maintained mainstream school	February 2008	School Organisation Guidance and Regulations	Level 6, Civic Centre or available from DCSF School Organisation website: http://www.dcsf.gov.uk/schoolorg/index.cfm
DCSF Guidance for Decision Makers on School Organisation Proposals	January 2008	School Organisation Guidance and Regulations	Level 6, Civic Centre or available from DCSF School Organisation website: http://www.dcsf.gov.uk/schoolorg/index.cfm
BSF Report on the initial phase of	11 June 2007	EDRS 7060018	Internet

consultation			
BSF Key Decisions prior to submission of Outline Business Case	15 December 2008	EDRS 8120058	Internet
Transforming Secondary Education Statutory Consultation Report	December 2008	http://www.oldham.gov.uk/transforming_secondary_education_statutory_consultation_report_dec_08.pdf	Internet
Complete proposal to Discontinue Kaskenmoor School	8 January 2009	BSF RC and Mainstream proposals – full packs Jan 2009	Level 6, Civic Centre
Complete proposal to Discontinue South Chadderton School	8 January 2009	BSF RC and Mainstream proposals – full packs Jan 2009	Level 6, Civic Centre
Representations received in response to the published Notice of the proposals to discontinue Kaskenmoor and South Chadderton Schools	Jan/Feb 2009	BSF: Representations received in response to Notices published in January 2009	Level 6, Civic Centre

AUTHOR OF THE REPORT	TEL NO	DATE	ID NUMBER
Lynne Taylor BSF School Re-organisation Workstream Lead	0161 770 3126	19/2/2009	

Signed <hr/> EXECUTIVE DIRECTOR	Dated <hr/>
Signed <hr/> CABINET MEMBER	Dated <hr/>

Ref: Document8

REPRESENTATIONS RECEIVED IN RESPONSE TO NOTICE OF PROPOSALS TO DISCONTINUE KASKENMOOR AND SOUTH CHADDERTON SCHOOLS

ORIGINATOR	SUMMARY	BSF PROGRAMME RESPONSE
<p>1 Oldham NUT</p>	<p>Objection to all closure proposals to enable the establishment of an Academy on the basis of:</p> <ul style="list-style-type: none"> (a) Loss of local accountability (b) Potential loss of staff conditions and losing our best staff from schools in Oldham (c) Increased social and cultural segregation is possible (d) False consultation on false premises and information (e) The sites chosen are restrictive and smaller than the original schools' sites 	<ul style="list-style-type: none"> (a) Oldham's proposed Academy Sponsors are committed to working with the LA to help deliver our local priorities. Academies are fully accountable for their performance and the Council can intervene if their performance is not good enough. (b) Staff in Oldham's Academies will have the same national pay and conditions as staff at all other Oldham Schools. TUPE will be applied for all staff who transfer. (c) Oldham's Academies will accept children of all abilities and their proposed admissions arrangements will be agreed with the LA and be in line with admissions arrangements for all other Oldham community schools. Improved Community Cohesion is one of the aims of BSF in Oldham. All closing schools will be supported through the transition period and beyond with a tailored Action Plan developed with the school and its community. (d) The recent formal consultation followed statutory guidance and was the culmination of a process which has been ongoing since early 2007. During this time, we have been responsive to feedback received which has led to the development of the Oldham Academies model. Consultation is not a vote or ballot. It is an opportunity for all interested parties to give their views on the proposals which are taken into account when deciding whether or not to proceed. All information has been provided in good faith and according to guidance received, tailored to Oldham's local circumstances. If Academies were taken out of the proposals, it would mean a significant reduction to the funding available. Our current plans provide for substantial investment in every secondary school. If the funding was reduced, some schools would have to miss out and the implications of this are significant. Decision Makers must follow statutory guidance when determining the proposal, consultation

ORIGINATOR	SUMMARY	BSF PROGRAMME RESPONSE
		<p>process and outcomes being just one of the many considerations they have to balance</p> <p>(e) The sites we are proposing for the three Academies have been chosen carefully, based upon a number of factors including: pupil forecasts and residency; neutrality of location; geographic accessibility; size compliant with latest school building regulations and to provide sufficient play areas and sports facilities to ensure pupils do not have to leave the site during the day; and be both technically and financially deliverable. Partnerships for Schools would not allow us to propose building on unsuitable sites.</p>
<p>2 South Chadderton School Governing Body</p>	<p>In support of discontinuance but wish to have concerns and caveats placed on record as follows:</p> <p>(a) Brook Mill site must be equal to or better than present sites</p> <p>(b) Traffic and site surveys must support viability.</p> <p>(c) Concerns about playing field facilities – do not wish to include use of Merton Playing fields</p> <p>(d) New ‘structures’ must be suitable to students’ needs.</p> <p>(e) Academy curriculum must comply with EOI.</p> <p>(f) Current Full Service Extended School facilities must continue.</p> <p>(g) Travel costs must be met by LA when Academy relocates</p> <p>(h) ICT facilities must improve on current</p> <p>(i) Academy must be viable in terms of pupil numbers and deliver community cohesion</p> <p>(j) The Academy ‘Council’ must be made up of local people who represent the community of Oldham</p> <p>(k) Early resolution needed to staffing issues, particularly</p>	<p>(a) See 1(e) above</p> <p>(b) Planning applications for the new building will take account of traffic impact assessments.</p> <p>(c) See 1(e) above. The use of Merton Playing Fields will be necessary to ensure that the site has access to the required amount of playing field facilities to meet regulations.</p> <p>(d) Agreed</p> <p>(e) Agreed subject to final Funding Agreement</p> <p>(f) Agreed</p> <p>(g) The LA is already working with GMPTE to plan future public transport support for the new school estate. This will also include liaison with neighbouring authorities whose pupils attend Oldham schools. Eligible pupils will be supported with travel costs in accordance with the Home to School Transport Policy in force at the time.</p> <p>(h) Agreed</p> <p>(i) Agreed</p> <p>(j) The following is taken from the EOI for an Oasis Academy: “The Oasis Oldham Academy, like all other Oasis Academies, will have a Local Academy Council involving a member of the Oasis Community Learning Central Board. In addition to elected representatives of the local authority, staff, students, and parents, Oasis will seek to recruit governors with a wide range of educational and business expertise from organisations operating in local, national and international education,</p>

ORIGINATOR	SUMMARY	BSF PROGRAMME RESPONSE
	around Job Evaluation and TUPE.	<p>training and business arenas including community and voluntary sector organisations, to support the Academy's general and specialist curriculum, and governors from organisations that can support the academy's pastoral and whole child, health and well being focus and ethos."</p> <p>(k) Agreed.</p>

OLDHAM NUT REPRESENTATION

OLDHAM, YOUNG PEOPLE
AND PARENTS

17/04/08

To Lynne Taylor BSF School Reorganization Work stream Lead, Level 6 Civic centre
West street Oldham OL1 1XJ

From Oldham Branch of the National Union of teachers on behalf of 1300 Teachers employed in Oldham.

We object to the reorganisation which includes closing 5 schools and their replacing them with 3 academies for a number of reasons.

The consultation was flawed in that the material and presentations carried misleading and biased material and failed to address the issues objectively.

Despite this the statutory consultation which ran from 18th September to the 15th November resulted in a clear majority opposed to closure of the schools and replacement by Academies. The following figures show clearly how strong that opposition was and yet the majority view has been rejected

	Grange	Kaskenmoor	South Chadderton	Breeze Hill	Counthill
% Against Closure	46%	55%	59%	75%	73%
% Against Academy	52%	50%	67%	73%	78%

The Council has consistently said that BSF funding would not be available the plans did not include Academies. We believe this is false: "BSF funding is not dependent on local authorities having Academies. Where LEAs don't propose Academies, we would expect them to have a robust alternative strategy for driving up standards that is equally good." OfES spokesman (www.news.bbc.co.uk, 25.08.06.) "Our BSF funding is not linked to finding sponsors for Academies. We are not proposing any Academy for this Authority." James Hodgson, BSF Project Director, Barking and Dagenham, in response to AAA question 17/04/08.

Several LA's have received BSF without academies.

The local authority has now refined its arguments by saying that under new national challenge regulations when closing schools that are "under achieving" in terms of GCSE results these must be replaced by Academies. This is not true. It is a myth that national challenge schools must be national challenge trusts. In meetings with the NUT nationally civil servants have been at pains to say that structural changes were not automatically necessary. They wanted a dialogue with the LAs about how to improve/turn around schools. There is flexibility in the system.

It is true that the LA does have to actively consider a variety of types of schools but it does not necessarily have to have academies. It is up to the LA to have sufficient confidence in itself that it can help the schools turn around. We call on Oldham LA to have this confidence and rewrite its bid without Academies.

This claim that without taking an academy BSF would be withdrawn is clearly false and therefore the consultation is invalid.

Academies have no proven record and will not necessarily improve results

The fifth, most recent, Price Waterhouse Coopers report concluded that there is "insufficient evidence to make a definitive judgement about the Academies as a model for school improvement".

Whilst the report acknowledges that many academies have improved attainment at some level it calls for further research on the impact of academies on the wider school system. Serious concerns about changes to the intake of academies through admissions and exclusion policies remain. Yet when considering a proposal to move towards Academy status, school governors and local councillors receive plenty of information – often from potential sponsors themselves. The information is almost always from a pro-Academies standpoint.

Academies' improvement exaggerated

Despite the favourable presentation of improved GCSE results by the government there are plenty of reasons to be concerned. There is no independent evidence that Academies are delivering significantly improved results at a faster rate than other maintained schools. Of the 838 'National Challenge' schools announced by Ed Balls in June 2008, 26 of these were Academies. This was 31% of the existing Academies, a larger proportion than in the maintained sector. Of the oldest Academies, nine out of 36 (25%) saw their GCSE results fall in 2008. Again a larger proportion than in the maintained sector. (*The Guardian*, 30th August 2008.) Clearly academies are no magic bullet. The hard work of school improvement depends, as it always has done, on improving a range of factors. The claims about the effects of sponsorship and other features of independence are almost worthless. There was no control group created when the experiment began – where similar funding etc was made available on a level playing field – in order to provide real comparisons. So whilst there are some extravagant claims of improvement, there is no hard evidence. The most common measure of attainment is 5 A*-C grades at GCSE. Research has shown that these figures have been inflated by the inclusion of certain GNVQ courses in which passes allow for accreditation of 4 GCSEs. But the proportion of pupils attaining five or more A*-G grades (level 1) in the 21 Academies open in 2006 hardly changed. 19% of pupils did not achieve level 1, up from 18% in the predecessor schools. (Dr Terry Wrigley, University of Edinburgh.) It is too early to judge whether there is a significant institutional effect on performance. And no adequate judgment can be made unless there is a

direct comparison, eg between a similar LEA-maintained comprehensive school that enjoys funding at the same level as an Academy." (www.aif.org.uk)

We have consistently opposed academies because local democratic control ends.

Academy governors are responsible for: appointing the Principal; employing the staff; administering the finances; authorising appointments and changes to terms and conditions; approving the curriculum, personnel policies and procedures. It is worrying then that "The sponsors of the Academy jointly appoint the majority of its governors". Instead of one third of the governors being elected parents, alongside teacher representatives, you will now have: "Where there would often be several parent governors at a school, Academies are only required to have one. They may also include a teacher and a staff governor." (References: DCSF Academies, Trusts and Higher Education prospectus.)

"The NGA has serious concerns that, on the basis of minimal financial investment and with potentially little or no previous experience of education, Academy sponsors are given the responsibility for running state schools. We believe it is wrong for sponsors to be granted the right to appoint the majority of governors in perpetuity." (National Governors Association: www.nga.org.uk/pol-academies.aspx)

Staff terms and conditions

Whilst sponsors may sign up to the national pay and conditions for all staff this can be changed completely. All Unions involved with education oppose academies as does the TUC, joining the NUT, NASUWT, ATL, UCU and UNISON in opposing academies.

Many Academies employ teachers and other staff on privately negotiated conditions of service and pay. In some Academies, there is a secrecy clause, which prevents employees from openly discussing their pay and conditions.

Teachers are also being expected to work an extended day and for more days in each academic year. Also, in many Academies, teacher and support staff Trade Unions are not recognised, and there have been problems with "TUPE" transfer. UNISON, the UK's largest public sector trade union, awarded United Learning Trust (ULT), the biggest Academy sponsor in the country, a badge of shame for its poor employee relations. "The Academies group is undercutting what is already the lowest pay offer in the public sector. It has imposed the bare minimum pay offer of 2.45% that is currently the subject of arbitration." (UNISON press release, 13th October 2008.)

"Reports of high turnover among staff in some of the Academies already in operation seems to be an indication that retention of teachers, and thus the destabilizing effect on pupils' education, is a cause for concern." (ACADEMIES - Information for Teachers from the National Union of Teachers.)

Impact on other schools and cultural cohesion.

One of the main driving forces claimed in Oldham is to enhance cultural cohesion but the opposite can be the case as experience shows that academies start to change admissions policy, and the LA would be powerless to stop this. Again therefore academies could undermine and not help social and cultural cohesion.

"The School Admissions Code came into force on 28 February 2007. The admission authorities for all maintained schools and Academies are required to comply with the new Code's mandatory provisions and to take account of its guidelines in setting their admission arrangements." (*Academy Principal Handbook*.)

Sir Phillip Hunter, chief schools adjudicator, released figures for appeals in 2007/2008. "Hunter identified no apparent breaches of the code in the vast majority of community schools but found around half of faith, foundation and Academy schools have breached the rules in some way." (*The Guardian*, 4th November 2008.)

If Academies can find overt or covert methods of selecting pupils, this will have an impact on other local schools. Walsall Academy is just over a mile away from Sneyd Community School. When Walsall Academy opened in 2004 it had 27.1% of children on Free School Meals (FSM), an indicator of deprivation. It now has 12%. (Parliamentary written answers, 10th January 2008.) Where have the FSM children gone? Sneyd Community school FSM has increased from 15% in 2004 to 20% in 2007. "Academy schools are based on a flawed premise that standards will be raised and disadvantage tackled by passing to private sponsors the ownership of a school building, its grounds and facilities, taking these assets from the local community, investing in sponsors the power to hire and fire staff, set their own pay levels and conditions of service and apparently seeking to replicate the independent sector, which has itself many difficulties and inadequacies." (www.nasuvf.org.uk)

"We don't need to worry about the priorities of local government." Sir Ewan Harper, United Schools Church Trust Chief Executive. (USCT runs United Learning Trust, the biggest Academy chain in Britain.)

This area of concern was highlighted in the recent PWC report. It is the "known unknown" of the academies programme. The long term impact on our education system has never been properly considered. The impact of privatisation and deregulation has had dramatic consequences elsewhere in the economy. What can we expect from deregulation in education? It is hard to assess the situation properly. However since the role of local authorities was changed from being the provider to the commissioner of education services, the processes of deregulation and privatisation have accelerated rapidly. There is now a wider diversity of types of school. OECD research has shown that the "greater the diversity of types school the greater the social segregation". The engineering of intake through admissions and exclusions hint that this process is occurring. In some areas – such a Southwark – local authorities have handed over the entire secondary provision to academies. Others have opted for one or two. But

whatever the model, the impact on strategic planning of education will be considerable. The needs of society are constantly changing. The number, location and capacity of schools needs strategic planning. Yet sitting outside the maintained sector and only accountable to the DCSF, academies will be beyond LA control and able to assert their own needs. Academies exclude disproportionately high numbers of students. In the school year 2006/2007 they excluded nearly 10,000 pupils. They were responsible for 2% of all temporary exclusions and 3% of permanent exclusions, despite making up only 0.3% of state schools in England. (*The Guardian*, 25th June 2008.) Academy 360 in Sunderland excluded 40 pupils in its first two weeks in September 2008. (*The Times*, 18th September 2008.)

Academies use 'fair banding' procedures to re-engineer their school population. Where an Academy is proposed for a lower attaining school 'fair banding' will make it harder for less able children to gain access. Academies are allowed to apply Criterion Referenced Banding – to achieve an intake representative of the national ability profile. A nationally representative sample of the results of the 2006 OCA optional Year 5 tests in reading shows that:

- _ 19% of children achieved Level 5 (Band 1);
 - _ 40% of children achieved Level 4 (Band 2);
 - _ 24% of children achieved Level 3 (Band 3);
 - _ 17% of children achieved below Level 3 (Band 4).
- ([www.dcsf.gov.uk/sacode/information note on banding.](http://www.dcsf.gov.uk/sacode/information%20note%20on%20banding))

The new sites of the academies are not suitable
In all the consultation the issue of the sites of the proposed academies have been controversial. Without doubt those replacing Couthill, Breeze Hill and South Chadderton / Kaskenmoor are inferior sites to the existing schools. The new schools will have less space and more traffic congestion. Neither will they be able to offer full PE and extra curriculum games facilities.

In summary, our objections to the proposals are:

1. Loss of local accountability;
2. potential loss of staff conditions and losing our best staff from schools in Oldham;
3. Increased social and cultural segregation is possible;
4. False consultation on false premises and information;
5. The sites chosen are restrictive and smaller than the original schools sites.

SOUTH CHADDERTON SCHOOL GOVERNING BODY REPRESENTATION

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BSP School Re-organisation Workstream Lead
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Oldham
OL1 1XJ

16th February 2009

Dear Ms Taylor,

Oldham Building Schools for the Future programme – Statutory Proposals

I refer to the published Notice regarding the proposal for the discontinuance of South Chadderton School and write to you formally on behalf of the Governing Body.

At the Governing Body meeting on the 12th February we discussed the Closure Notice in the context of developments to date. After due consideration the Governing Body passed the resolution below and we would like the content to be passed onto the Decision Maker for consideration when determining the outcome of the proposals.

I would be grateful if you would acknowledge receipt of this letter from the Governing Body. Thank you for your assistance.

Yours sincerely,

Chair of Governors, South Chadderton School.

South Chadderton Governing Body - 12th February 2009 - Resolved :-

- a) That this Governing Body continues to support (i) the proposal to discontinue South Chadderton School and create a new Academy as it believes that this is in the long and best term interests of the school, its staff, students and the community; (ii) the principles expressed in the Expression of Interest for a new Academy sponsored by Oasis Community Learning Trust.
- b) That this Governing Body whilst expressing its support also wishes to place on record the following ongoing concerns and caveats which must be resolved to

ensure that all concerned receive better facilities and opportunities than at present:-

- The site at Brook Mill must be equal to or better than present sites so as to provide the facilities that are required to improve on the current situation. Hollins Road is a very busy main road and the adjoining streets are used by heavy goods vehicles. Traffic and site surveys must provide the necessary assurances that the Brook Mill site is able to provide safe and secure facilities for students and staff, adequate/secure playing fields, external social areas, car parking on site and dropping off facilities for parents and local bus services.
- Secure playing field facilities must be equal to or better than present sites and must be provided on the site of the former Oak Colliery and effectively managed for both school and community use. Any suggestion to provide facilities on the Merton Playing Fields site must be rejected as the site is totally unsuitable.
- The structures in the new Academy must be able to meet the needs of our students, many of whom have significant needs which are more easily met in smaller schools.
- The curriculum to be provided must deliver and be based on that set out in the Expression of Interest document submitted by Oasis in order to build on and develop the valuable experience and expertise of the predecessor schools (see the note at the end of this letter).
- The Full Service Extended School facilities already developed must be maintained and enhanced.
- The travel needs of students due to the new location of the Academy, including any free travel requirements, must be met by the local authority.
- The ICT facilities to be provided must be better than those already provided by the predecessor schools.
- Pupil projections must be maintained in the short term and evidence provided to show that future projections are sufficient to maintain the new Academy and provide community cohesion.
- The Academy Council must be made up of local people who represent the community of Oldham.
- The situation regarding Job Evaluation and TUPE must be resolved quickly and guidance given to staff so that they know that their rights and conditions are protected.

Note on Expression of Interest Document.

This document clearly stated that "The Oasis Academy will specialise in Maths and Computing and Business and Enterprise with a particular focus on some aspects of engineering particularly robotics, electronics and renewable energy and on creative and media industries to reflect growth areas in the local and regional economy. The Academy will seek to play a lead role in the development of the creative and media, engineering and business and finance diplomas, and potentially in some aspects of the built environment and sports and leisure diplomas at Level 1 and 2. This will build on and extend the valuable experience and expertise of the predecessor schools in technology, arts and sports and the groundwork already undertaken to develop an engineering specialiser".

End.

APPENDIX B
SCHOOL ORGANISATION DECISION-MAKERS' CHECKLIST
PROPOSED DISCONTINUANCES OF KASKENMOOR AND SOUTH CHADDERTON
SCHOOLS

FACTORS TO BE CONSIDERED BY DECISION MAKERS FROM STATUTORY GUIDANCE	COMMENTS OF BSF SCHOOL RE-ORGANISATION WORKSTREAM LEAD
Is the information provided complete?	The full proposals contain all required information.
Does the published Notice comply with Statutory Requirements?	The Notice complies with statutory requirements and is a combined notice summarising both proposals.
Has the statutory consultation been carried out prior to the publication of the Notice?	All statutory requirements to consult prior to publication of the Notice have been carried out.
Are the proposals related to other published proposals?	These two discontinuance proposals are related and were published on the same Notice. They must be determined together and decisions must be compatible. Any approvals must also be conditional upon the signing by the Secretary of State for children Schools and Families of the proposed Oasis Academy's Funding Agreement in order to protect the LA's position should the Academy not go ahead for any reason.
Effects on Standards and school improvement: (a) A system shaped by parents (b) Standards (c) Fresh start and Collaborative Restarts (d) Academies (e) Diversity (f) Balance of Denominational Provision (g) Every Child Matters	(a) Parents have been fully consulted about this proposal. (b) The BSF Programme aims to address underperformance by providing inspirational school environments, ensuring that all schools exceed (by 2015) national targets, addressing gaps in performance between all groups, improving attendance and reducing exclusion rates and raising aspirations. The LA has recently revised its target for the Academy proposed as replacement provision for this school which is now set at 65% of pupils achieving 5 A*-C GCSEs including English and Maths. (c) N/A (d) This proposal will enhance the diversity in Oldham's secondary school estate by discontinuing two community secondary schools and replacing them with an Academy, sponsored by Oasis. (e) As (d) above (f) N/A (g) This proposal will enable better integration of children's services and extended school provision to ensure that all schools are enabled to deliver the Every Child Matters agenda.
Need for places: (a) Provision for Displaced Pupils (b) Surplus Places	(a) No pupils will be displaced by this proposal since the proposed Oasis Academy will open on 1 st September 2010 on the existing Kaskenmoor and South Chadderton School sites initially and all pupils on the rolls of both Kaskenmoor and South Chadderton

FACTORS TO BE CONSIDERED BY DECISION MAKERS FROM STATUTORY GUIDANCE	COMMENTS OF BSF SCHOOL RE-ORGANISATION WORKSTREAM LEAD
	<p>Schools at the time of their discontinuance will be offered a place in the proposed Oasis Academy.</p> <p>(b) One of the aims of the BSF Programme is surplus place removal. Our strategy is based upon a detailed analysis of the current position in terms of projected school places and the pattern of school attendance in relation to residence. A careful assessment of pupil projections has indicated the need to rationalise the number of places across the borough and the total number of available school places will be reducing.</p>
<p>Impact on the Community and Travel:</p> <p>(a) Impact on the Community</p> <p>(b) Community Cohesion and Race Equality</p> <p>(c) Travel and Accessibility for All</p> <p>(d) Equal Opportunity Issues</p> <p>(e) Rural Schools and Sites</p>	<p>(a) An Equality Impact Assessment has been carried out to ensure that the needs of all groups in the community are fully considered and to inform planning for change. (Appendix C)</p> <p>(b) As part of planning for this change a team are focussing on the community cohesion aspects of the BSF Programme and a tailored plan of activity is being developed for both Kaskenmoor and South Chadderton Schools.</p> <p>(c) There are no immediate travel implications as all pupils on the rolls of Kaskenmoor and South Chadderton Schools at the time of their discontinuance will be offered a place in the proposed Oasis Academy which will open on the existing school sites initially. A detailed transition plan will be developed in preparation for the establishment of the proposed Academy and parents and pupils will be fully consulted if it is envisaged that there would be a need for pupils to move between sites. It is proposed that the Oasis Academy will move to a new location on the site of the former Brook Mill, Hollinwood, Oldham in 2012. The Planning Application for the new Academy buildings will include travel and transport implications which will aim to maximise the use of public transport. Pupils will be eligible for support to travel to the new location in accordance with the LA's Home to School Transport Policy in force at the time.</p> <p>(d) N/A. None of Kaskenmoor, South Chadderton or the proposed Academy are single sex schools and the proposed Academy will operate the same admissions arrangements as the LA.</p> <p>(e) N/A.</p>
<p>Types of Schools (relates specifically to Boarding Schools)</p>	<p>N/A</p>
<p>Specific Age Provision (where relevant):</p> <p>(a) Early Years Provision and Nursery School closures</p>	<p>(a) N/A. No early years or nursery provision is affected by these proposals.</p> <p>(b) The transformation of education which the BSF programme will deliver includes improving current 14-</p>

FACTORS TO BE CONSIDERED BY DECISION MAKERS FROM STATUTORY GUIDANCE	COMMENTS OF BSF SCHOOL RE-ORGANISATION WORKSTREAM LEAD
(b) 14-19 Curriculum and Collaboration and 16-19 Provision	19 provision by enabling the delivery of the full 14-19 entitlement for all students and further developing the post-16 partnership to widen participation, opportunities and choices for all.
<p>SEN Provision (where relevant):</p> <ul style="list-style-type: none"> • The SEN Improvement Test 	<p>Kaskenmoor Kaskenmoor school currently has provision reserved for pupils with SEN relating to physical disabilities. A successful LA Accessibility Strategy has resulted in:</p> <ul style="list-style-type: none"> • pupils being able to access local provision; • a reduction in demand for places in the Kaskenmoor Resourced base; and • development of an outreach service <p>Existing levels of support, facilities and services for pupils with SEN on roll at Kaskenmoor at the time the school is discontinued will be maintained, provided by the proposed Oasis Academy with improved provision planned for the new site which will be fully accessible.</p> <p>South Chadderton There is no provision reserved for pupils with SEN in South Chadderton School Existing support for pupils with SEN on roll at the time the school is discontinued will be maintained, provided by the proposed Oasis Academy with improved provision planned for the new site.</p> <p>BSF Programme and SEN Improvement Test Implementation of the Oldham BSF Proposals will provide all pupils with state of the art learning environments and facilities. The Programme is built around a strong theme of inclusion and the SEN Improvement Test has been used to inform an ongoing review of SEN provision across the borough. BSF capital investment will deliver significant improvements in provision for pupils with SEN compared to what is currently available including:</p> <ul style="list-style-type: none"> • Proposing the establishment of 2 new resourced bases for pupils with complex communication difficulties on mainstream sites • Proposing the establishment of a new 60 place SEBD Special School • Enabling all secondary schools to become fully accessible, DDA compliant and well resourced with highly skilled staff who can cater for children with a wide range of additional needs • Improved facilities for individual and small group work • Enabling the delivery of a personalised curriculum • Ensuring schools are designed to eliminate bullying • Delivering enhanced ICT facilities and improving effective use of assistive technologies • Improving practice and facilities in mainstream schools to ensure the needs of greater numbers of pupils are

FACTORS TO BE CONSIDERED BY DECISION MAKERS FROM STATUTORY GUIDANCE	COMMENTS OF BSF SCHOOL RE-ORGANISATION WORKSTREAM LEAD
	<p>met within that environment</p> <ul style="list-style-type: none"> • Developing a continuum of provision to meet the needs of groups of learners with additional needs • Improving provision for behaviour support <p>Our BSF plans have been signed off by the National Strategies SEN Adviser and Partnerships For Schools.</p>
<p>Other Issues: Views of interested Parties</p>	<p>Two previous Cabinet Reports, EDRS 7060018 and 8120058, provide full details of all previous consultation processes and outcomes.</p> <p>Following publication of the Notices on 8th January 2009 Two Representations have been received:</p> <ul style="list-style-type: none"> • One from the Oldham NUT objecting to the proposed discontinuances of any Oldham community school to enable the establishment of an Academy. • One from the Governing Body of South Chadderton School supporting the proposal to discontinue South Chadderton School and create a new Academy and wishing to place on record a number of ongoing concerns and caveats. <p>These are summarised on Appendix A attached. The DM is required to take account of representations received when determining the outcome of any proposal.</p>

EQUALITY IMPACT ASSESSMENT – RELEVANCE SCREENING

1. Name of the policy/project/procedure:	Proposed discontinuance of South Chadderton and Kaskenmoor Schools
2. What are the main aims and objectives of the policy /project/procedure?	<p>The overarching aims for transforming Oldham’s secondary school provision of which these closures are part are:</p> <ul style="list-style-type: none"> • School improvement; and • Community cohesion. <p>To facilitate these strategic aims it is necessary to have a system-wide approach making provision for Oldham’s most vulnerable students and delivering integrated children’s services in schools that are suitable and fit for purpose.</p> <p>A number of underpinning principles have been developed, and these are:</p> <ul style="list-style-type: none"> • To raise achievement and attainment across the borough, eliminating underperformance in all centres of learning. • Address the recommendations from the Cattle report (2006) on community cohesion, specifically: <ul style="list-style-type: none"> ○ ‘...create more mixed intake schools in which there is a sustained programme to tackle conflict and division in addition to building bridges between schools dominated by a single ethnicity...’ ○ ‘...involve established faith schools in tackling segregation and community cohesion...’ ○ ‘...begin to break down segregation of neighbourhoods, especially in terms of housing and education, by giving individuals and families real choices...’ • Build on and enhance the current provision for the most vulnerable students. • Help deliver local, integrated and personalised children’s services in accordance with our Children and Young People’s Strategic Plan 2006-2009. • Ensure all young people and the wider community have access to high quality, sustainable centres of learning which inspire and nurture. • Provide flexible, coherent curricular provision, with a federated model of provision post-16 and a collaborative approach across the 14-19 phase. • Provide the flexibility to adapt to the needs of learners of the future. • Ensure continuous improvement. • Provide value for money. <p>(BSF – Readiness to Deliver)</p> <p>Within this programme it is proposed to close South Chadderton and Kaskenmoor schools with a current total of</p>

	around 1,350 students, and replacing them with a new academy for 1,500 students on the Brook Mill site in Hollinwood.			
	High	Medium	Low	Don't know
3.a What impact will this policy/project/procedure have on the public?	√			
3.b Please explain your answer	The programme is intended to transform secondary education in Oldham. It will involve replacing or substantially refurbishing every secondary school in the Borough. It therefore has a massive potential impact on the lives of children and young people in Oldham			
<p>If, for questions 3a & 3b you have answered LOW, there is no need to continue to an Equality Impact Assessment.</p> <p>If, for questions 3a & 3b you have answered MEDIUM or DON'T KNOW, you should move on to an Initial Equality Impact Assessment.</p> <p>If, for questions 3a & 3b you have answered HIGH, you should consider whether you need to move on to an Initial or Full Equality Impact Assessment.</p>				
	Initial	Full	None	
4. Based on this screening please indicate if this policy/project/procedure should proceed to an Initial or Full EIA?		√		

Service: People, Communities & Society

Officer responsible: Bruce Penhale / Bernard Phillips / Richard Gore

Date completed: 19/12/08

EQUALITY IMPACT ASSESSMENT (FULL)

1. Directorate	People, Communities & Society	2. Section	
3. Who is responsible for the assessment?		4. Lead Officer	5. Others involved
Alun Francis / Cath Inchbold		Bruce Penhale	Richard Gore Bernard Phillips
6. Name of the policy, project, procedure to be assessed	Proposed discontinuance of South Chadderton and Kaskenmoor Schools	7. Is this a new or existing policy, project or procedure?	New
8. Describe the aims, objectives and purpose of the policy, project or procedure			
<p>The overarching aims for transforming Oldham's secondary school provision are:</p> <ul style="list-style-type: none"> • School improvement; and • Community cohesion. <p>To facilitate these strategic aims it is necessary to have a system-wide approach making provision for Oldham's most vulnerable students and delivering integrated children's services in schools that are suitable and fit for purpose.</p> <p>A number of underpinning principles have been developed, and these are:</p> <ul style="list-style-type: none"> • To raise achievement and attainment across the borough, eliminating underperformance in all centres of learning. • Address the recommendations from the Cantle report (2006) on community cohesion, specifically: <ul style="list-style-type: none"> ○ '...create more mixed intake schools in which there is a sustained programme to tackle conflict and division in addition to building bridges between schools dominated by a single ethnicity...' ○ '...involve established faith schools in tackling segregation and community cohesion...' ○ '...begin to break down segregation of neighbourhoods, especially in terms of housing and education, by giving individuals and families real choices...' • Build on and enhance the current provision for the most vulnerable students. • Help deliver local, integrated and personalised children's services in accordance with our Children and Young People's Strategic Plan 			

2006-2009.

- Ensure all young people and the wider community have access to high quality, sustainable centres of learning which inspire and nurture.
- Provide flexible, coherent curricular provision, with a federated model of provision post-16 and a collaborative approach across the 14-19 phase.
- Provide the flexibility to adapt to the needs of learners of the future.
- Ensure continuous improvement.
- Provide value for money.

(BSF – Readiness to Deliver)

Within this programme it is proposed to close South Chadderton and Kaskenmoor schools with a current total of around 1,350 students, and replacing them with a new academy for 1,500 students on the Brook Mill site in Hollinwood.

9. Analysis of relevant data, research and previous consultation

What data do you have that you can draw upon to support this assessment?
Re impact on different equality groups

Pupil level data on attainment by age, gender, school, ethnic group
Pupil populations of the schools by ethnic group
Results of public consultation

- Transforming Secondary Education – Statutory consultation report

What does this data say about any of the different groups?
Are there any trends that the data is showing and how do they relate to each group?
What does the data say about the needs of each group?

Pupil populations of the schools by ethnic group
Both schools have predominantly white group intakes with a small percentage of Pakistani heritage and even smaller % of Bangladeshi heritage pupils. However, the significant trend over time is a reduction at both schools in the percentages of Pakistani heritage pupils: at Kaskenmoor from 11% in 2004 to 3% in 2008 and at South Chadderton from 16% to 10% over the same time period.

Pupil level data on attainment by age, gender, school, ethnic group
There have been improvements over time in the % of pupils achieving 5A* to Cs with both schools just below the national floor target of 30% of pupils achieving the benchmark. There are no significant issue re gender and ethnicity over time.

Issues identified in the public consultation on the Building Schools for the Future consultation are identified in the relevant parts of section 10.

Are there any gaps in the data?

There are no significant gaps in the data. The key data on pupil populations and educational attainment

	are available.	
If so, how do you plan to gather the data you need?		
10. Assessment of Impact		
10.a. Taking into account the information gathered:		
<ul style="list-style-type: none"> • <u>Could</u> this Policy/Project /Procedure impact on any of the following groups differently? • <u>Could</u> any of the following groups experience of this Policy/Project/Procedure be different? • Could that different impact be negative in relation to any or all of the groups? 		
Please explain below what evidence you have to support your views		
	Potential adverse impacts	Cross reference to options for mitigating impact
1. Age	<p>Young people – The whole purpose of the BSF programme is to create a better future for young people.</p> <p>Community impact - Some specific parts of the programme may raise concerns for other members of local communities, and specifically older people. A specific concern relating to older people relates to the impact of locating a school on the Orb Mill site close to a residential home for older people.</p>	1,2,3,4,6,7,9
2. Dependants/caring responsibilities	<p>Travel distances to schools – Under the BSF proposals there will be three fewer secondary schools, and there will be fewer schools located in the centre of Oldham. On average, the distance students need to travel to school will increase, and this may narrow the range of choices for parents/carers who wish to drop off / collect students from secondary schools as well as having other caring responsibilities (e.g. for younger children or other family members). It may also be more difficult for student carers, for example students who collect younger siblings from primary schools.</p>	3,5,6,7,8,9
3. Disability	<p>Meeting the needs of disabled students and staff – The development of</p>	3,4,5,6,7,8,9

	<p>new facilities provides an opportunity to replace existing older facilities which were not designed with the needs of disabled students in mind, with new facilities in which this is integral to the design process. This is a potential positive impact for disabled students.</p> <p>Loss of the link between New Bridge and Kaskenmoor Schools – New Bridge Special School was developed in 2005 as a purpose built special school, co-located with a mainstream school based on a shared campus approach. This enables the two schools to share facilities, and has lead to an innovative approach to the inclusion of students with special needs. The closure of Kaskenmoor school will mean that there will not be the same close link between New Bridge and a mainstream school.</p>	1,3,4,5,6,9
4. Gender	<p>Single gender schools – There is demand from some parents, particularly within Oldham’s Muslim communities, for single gender schools. Some parents currently chose to send their children to single gender schools outside the Borough. However, the Council has chosen not to develop proposals for single sex schools, as it believes that the social and educational development of Oldham’s young people are best met through mixed gender schools. This is a continuation of the existing policy, and there is not therefore an adverse impact as compared with the current position.</p> <p>Gender and cultural needs - Different communities have different cultural norms relating to what is perceived to be appropriate behaviour among young men and women. New schools will need to be conscious of the issues this raises and how to manage them. Examples of this are a preference for single gender PE classes among Muslim parents, and how White boys and Asian heritage girls and White girls and Asian heritage boys interact at secondary schools when their previous experience is of attending mono-cultural primary schools.</p> <p>A positive impact of the proposals is that it will widen the curriculum offer for students, so that they have a wider range of choices of options.</p>	1,2,3,4,6,7,8,9

	<p>Bangladeshi heritage pupils.</p> <p>The extent to which this is a significant adverse impact is not fully clear, and depends upon the motivation on non Roman Catholic parents in applying to St. Augustine school. If it is because they want their child to attend school locally, or are attracted by its ethnic diversity, there will not be a differential adverse impact from the proposals. However, if they are primarily motivated to send their child to a school with a faith ethos, there will be an adverse impact.</p>	
<p>6. Religion/Belief</p>	<p>Access to faith schools for non-Christian students - Under the BSF proposals the merger of the two Roman Catholic schools will reduce the total number of places in Roman Catholic schools by 300 places. The two Church of England schools – Crompton House and Blue Coat – will both be expanded by one form of entry specifically linked to the admission of students of other faiths. The net impact of this will be an increase of 185 places in the two Church of England schools. Overall, there will therefore be a net reduction of places in faith schools, and this is likely to lead to a net reduction in the number of non Christian pupils attending faith schools (primarily as a result of fewer Muslim students attending Roman Catholic schools).</p> <p>Meeting the cultural needs of pupils – There is a risk that schools with more diverse student populations will be less able to meet the specific cultural needs of students (for example relating to acts of worship, prayer facilities and linkage of their faith into different aspects of the curriculum). Unless new schools take full account of the faith needs of their student populations (e.g. in physical design, curriculum development and staff training) the development of schools with more diverse student populations could have an adverse impact upon both Muslim and Christian pupils. (The needs of students of other faiths is also important, but the impact of change is neutral for them because they were not previously the majority population in any school).</p> <p>A further concern expressed in the consultation is that the range of choices</p>	<p>1,3,5,6,7,8,9</p> <p>1,3,4,7,8,9</p>

	for secular parents will be somewhat reduced, because one of the three academies (the Oasis academy) will have a faith ethos – even if this is non denominational.	
7. Sexual Orientation	Ethos of academies – Some concerns have been expressed about the attitude of schools with a faith ethos towards students and staff who are lesbian or gay men. This may be reflected, for example, in their policies and procedures relating to equality of opportunity (relating to both students and staff), sex and relationship education, and preventing and dealing with bullying and hate incidents.	2,3,4,6,7,8,9
8. Transgender or transsexual	Ethos of academies – As for issues relating to lesbian and gay men, there is a need to ensure that school policies address the needs of transgender and transsexual staff and students.	2,3,4,6,7,8,9
9. People on low incomes	<p>Additional costs for low income families – There are a number of potential areas of concern which relate to the impact of the BSF programme on low income families in Oldham:</p> <ul style="list-style-type: none"> • Any increase in travel costs which will result from pupils having to travel further to schools where the students do not travel far enough to qualify for free travel passes. • the potential cost of accessing community facilities (such as for sports), particularly where these are managed under a Private Finance Initiative contract for which the local authority does not have any influence over prices; • the cost of purchasing school uniforms, particularly for existing pupils transferring into new schools who will need to purchase replacement uniforms; • low income pupils being disadvantaged or feeling stigmatised as a result of a lack of awareness of the impact of their family circumstances on full participation in school activities, which may increase as a result of the creation of schools which are more socially diverse; • an enhanced disadvantage for students without ICT access at home as computers become an increasingly important educational tool. 	2,3,4,5,6,7,8,9

<p>10. Relationships and attitudes between different groups of people</p>	<p>Relationships between students from different racial and faith groups – While the BSF programme aims to achieve schools in which there is a mixed intake of pupils from different ethnic and faith backgrounds, there is a risk that unless the process is carefully managed it will have a negative impact on race and faith relations – the opposite of what is intended. This risk has wider implications beyond the BSF programme, since if there were significant problems in schools between students from different backgrounds this could spill over into the wider community.</p> <p>While some consultees expressed support for “giving communities a chance to mix” through the BSF programme, others either disagreed in principle with combining schools where the student populations have very different cultural profiles (“forced integration”), or have concerns about the practicalities of making it work – for example in relation to student safety and well-being, and whether it will impact upon educational attainment. This was also linked to concerns about the size of schools, and a concern that it would be harder to effectively manage behaviour in larger schools with 1,500 students. Consultees made constructive suggestions about the need to start with children in primary schools and also to involve parents and communities.</p> <p>Relationship between school and local communities -</p> <p>Where new schools are being created this risks becoming a source of tension with the local community as a result of, for example, increased traffic congestion, problems with parking, the presence of large numbers of students and potential anti-social behaviour by a minority of these. These concerns were all reflected in the consultation process in relation to some new schools. In addition, where students are from a different ethnic background, there is the potential for such problems to become racialised.</p> <p>There are also potential positive impacts to balance against this, such as the enhanced access of communities to extended school facilities (such as for sport) and increased income for some local businesses.</p>	<p>1,2,3,4,5,6,7,8,9</p>
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11. Options for mitigating adverse impacts			
Option	Title	Description of proposed mitigating action	Any potential adverse impact of proposed mitigating action?
1.	Whole system change	<p>The BSF programme is an integrated package of changes for transforming secondary education in Oldham - not simply the physical replacement of individual schools. It includes changes in governance; a wider range of school choices for parents; development of personalised learning including enhanced use of ICT provision; improved 14-19 provision; better integration of children's services and extended school provision (such as sports facilities).</p> <p>To ensure that the programme is delivering reductions in differential attainment it will be necessary for the local authority and Ofsted to monitor progress. The local authority will need to have a Service Level Agreement with academies to ensure it retains access to pupil level attainment data (PLASC) to enable it to retain oversight of attainment across the Borough.</p>	The programme is intended to reduce differentials in educational attainment. To ensure this is the case there will need to be ongoing monitoring of outcomes.
2.	Compact with all schools to ensure they contribute to reducing inequality and building good race and community relations as part of a family of schools in Oldham	<p>A long-term Compact will be developed between the local authority and school governing bodies with agreements on:</p> <ul style="list-style-type: none"> • Community cohesion outcomes relating to broad targets for the composition of student populations; • Admissions arrangements; • Collaboration on curriculum development including e.g. delivery of the 14-19 entitlement and the inclusion of curriculum materials which reflect the diversity of Oldham; • In-year arrangements for fair access (e.g. for excluded pupils); • Reporting and responding to hate incidents and community tensions; 	One of the aims of the Compact would be to enable the local authority to monitor inequalities and ensure action is taken to address these.

		<ul style="list-style-type: none"> • A data sharing protocol including providing pupil level attainment data to the local authority, which will enable it to have oversight of patterns of differential attainment; • Community access to school facilities at fair prices; • Good practice on equalities issues e.g. relating to a range of policies (such as Equal Opportunities, Sex & Relationships Education and Behaviour) and including the needs of a range of vulnerable groups (such as LGBT people and disabled people); • Other issues relating to participating as a family of schools working together across Oldham. 	
3.	Ensure student and staff, parent/carer and wider community input into the programme around specific schools	<p>Input to include involvement on issues including:</p> <ul style="list-style-type: none"> • Design of buildings; • Curriculum; • Uniform; • Transport/travel; • Faith and cultural issues; • Food/diet; • Co-existence of schools and local community. 	Process is likely to raise equalities issues which will then need to be addressed.
4.	Change management programme for each school addressing preparation for change.	<p>Change Management Programme to include:</p> <ul style="list-style-type: none"> • Work with pupils and parents including: primary school linking; joint work between merging schools; and phasing arrangements for merging schools (what years come together when and where); • Work with staff and governors including: curriculum development; school design; cultural awareness/meeting the needs of students from diverse communities; behaviour management and ensuring harmonious relationships between students from different cultural backgrounds; • Work with communities to build understanding of issues and including: input into planning the design, facilities 	

		and use of the school (including community access policies, parking arrangements etc)	
5.	Develop a joined up local transport plan to support the implementation of BSF, taking account of the needs of students attending each school	Work with GMPTE, bus operators and others to prepare a co-ordinated BSF transport plan which takes account of: the changing locations of schools in relation to where students live; transitional arrangements as new schools are established; arrangements for travel during the school day as well as students' journeys to and from school; the specific needs of students (such as disabled students); community impacts; student well-being; and costs for families.	Equalities issues would be integral to the plan.
6.	BSF communications plan	Ensure that the BSF communications plan meets the needs of parents and communities both in relation to the issues it covers (e.g. in relation to admissions and other issues of concern to students, parents and communities such as how the needs of students with specific needs will be met and the work to ensure the well-being of students during a period of transition) as well as being delivered in a way that makes the information accessible to communities.	
7.	Develop the BSF stakeholder forum as a group that considers equalities issues	Develop the role of the BSF Stakeholder Forum as a group that can review equalities issues on an ongoing basis.	Provides an ongoing mechanism for reviewing any potential adverse impacts of the programme.
8.	Work with faith schools on the detail of their oversubscription criteria for school admission	Work with faith schools to influence the detailed development of their admissions criteria, with the aim of ensuring that faith schools are able to contribute to achieving schools with a greater level of social and cultural diversity.	The extent to which the local authority is able to influence the admissions criteria for faith schools is limited. There is a difficult balance to be achieved between faith schools' objective of educating students' who belong to their faith and widening their admission to include some other students as part of helping to build understanding between communities.

9.	Ensure that equalities issues form part of the ongoing evaluation of the Transforming Secondary Education programme	<p>There are existing processes for assessing the performance of the educational system, including the Joint Area Review and Annual Performance Assessment. Individual schools are assessed by Ofsted.</p> <p>The Council will help ensure that there is a focus on equalities and community cohesion issues within this, by collating and analysing information about progress in individual schools and across the Borough as a whole and, to the extent it is able, providing support and challenge to schools.</p>	Ongoing monitoring and evaluation of the programme will identify equalities issues which will need to be addressed.
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12. Consultation

a. How have you involved various groups and stakeholders in your assessment?	<p>The EIA draws upon the range of BSF consultation processes. This includes the statutory consultation processes which are reported in:</p> <ul style="list-style-type: none"> Transforming Secondary Education. Statutory Consultation Report. December 2008 <p>A workshop was held with members of Oldham's Strong Communities Strategy Group, representatives of Trades Unions and officers from within the Children Young People & Families Directorate and the Strategy & Resources Directorate to discuss the equalities implications of the BSF programme. This reviewed the draft EIA for the programme and provided input. Further consultation was undertaken with other individuals on the revised draft.</p>
b. Who have you involved?	<p>Members of Oldham's Strong Communities Strategy Group, representatives of Trades Unions, officers from within the Children Young People & Families Directorate and the Strategy & Resources Directorate and a Governors representative.</p>
c. How have they informed the identification of options?	<p>As a result of consultation additional issues were identified, options were revised and additional options generated.</p>
d. How have they informed the option (s) taken forward?	<p>Ideas contributed are included among the options it is recommended are taken forward.</p>

13. EIA Outcome Summary					
a. What option(s) will be taken forward to mitigate negative impact and promote equality of opportunity? Please give a rationale for your decisions.	The issues in the EIA raise equalities issues in relation to the closure of Kaskenmoor and South Chadderton School. The issues do not raise fundamental problems that would provide a reason not to proceed with closure. It is recommended that all the options identified are taken forward to ensure that equalities issues are fully integrated into the establishment of the new Oasis Academy.				
b. What option(s) will not be taken forward? Please give a rationale for your decisions.	None				
14. Establishing monitoring systems in relation to the policy, project or procedure					
a. What data will you monitor in relation to equality groups?	Pupil level data on educational outcomes by gender, ethnicity and receipt of free school meals	Pupil populations of school by ethnicity, gender, faith and receipt of free school meals	Details of hate incidents in schools and follow up action in relation to these	Take up of community facilities	Outcome of Ofsted inspections
b. When will this monitoring begin?	Existing system. Need to ensure continuation under new arrangements	Existing system. Need to ensure continuation under new arrangements	Existing system. Need to ensure continuation under new arrangements	Once new schools established	Existing system
c. How will this monitoring data be used to improve service delivery?	To identify patterns of differential attainment, which will then be used in target setting and developing response	To monitor outcome of admissions policies and inform proposals for change	Will inform follow up action needed in relation to individual incidents, feed into wider processes for community tension assessment and inform support provided to schools in developing good practice.	Identify groups which are not accessing provision, to inform future planning of services	Will inform the local authorities support and challenge offer to schools
d. Who will be responsible for monitoring and analysing the data?	Children, Young People & Families Research &	Children, Young People & Families Admissions	Children, Young People & Families Head of School Improvement	Data collection by facilities managers.	Ofsted

	Information team	Service		Collation and analysis by Children, Young People & Families Research & Information team	
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Service: People, Communities & Society

Officer: Bruce Penhale / Bernard Phillips / Richard Gore

Date Completed: February 2009

