

Open Report on behalf of Debbie Barnes, Assistant Director for Children's Services

Report to:	Executive Councillor for Children's Services and Adult Learning
Date:	16 February 2012
Subject:	The merger of Monks' Dyke Technology College, Louth and Tennyson High School, Mablethorpe
Decision Reference:	01983
Key decision?	No

Summary:

The proposal under consideration is to merge Monks' Dyke Technology College, Louth and Tennyson High School, Mablethorpe to form one Local Authority (LA) maintained school with effect from 1 September 2012. Monks' Dyke Technology College, Louth and Tennyson High School, Mablethorpe are both secondary schools in the east of the county operating within a selective education system. Both schools have been undersubscribed in recent years. At the October 2011 census (the most up to date validated data) Monks' Dyke Technology College had a capacity for 1,219 including sixth form with a number on roll of 902. Tennyson High School is a smaller school with no sixth form and had the capacity for a total of 425 pupils with a number on roll of 304. Only half of the pupils in the catchment area of Tennyson High School currently attend the school.

The educational challenges faced by Tennyson High School are not temporary in nature; they are features of the size and nature of the school and the context within which it operates. The two schools have worked in partnership since September 2008 with a formal federation under one governing body since February 2010. This has enabled progress to be made in addressing standards by drawing on the strengths of both schools. This collaboration has also brought new opportunities to both Mablethorpe and Monks' Dyke students with a broader curriculum and a wider range of extra-curricular activities which could not have been supported by a smaller school on its own.

The number of pupils entering secondary education in both areas is now falling as the low numbers from primary schools in recent years have fed through into the secondary sector. This is a trend experienced by many secondary schools across the county and these low numbers are set to continue for a number of years in East Lindsey. Such low numbers put significant pressures on schools to remain educationally and financial sustainable.

The Department for Education (DfE) has made it clear that unless a structural solution can be found that will improve standards at Mablethorpe further, then it

will impose its own academy solution outside of the control of the schools and the LA.

The proposal under consideration is being made in order to provide the best quality of education for children and young people in Louth and Mablethorpe as well as finding a solution to the above issues. The LA has a duty to balance the raising of standards with the maintenance of diversity of provision, parental choice and a focus on local communities. The LA considers that the proposal is in the best interests of children, parents, the local communities and staff of both schools. This will retain the appropriate number of school places in the secondary sector in Mablethorpe and Louth and help ensure that secondary education continues on both sites whilst at the same time providing the opportunity to improve educational standards and opportunities for the young people in the area.

The proposal comprises two elements which are related and one cannot go ahead without the other. The first is the closure of Tennyson High School with effect from 31 August 2012 and the second is the expansion of Monks' Dyke Technology College onto the Tennyson site with effect from 1 September 2012. The LA is facilitating the consultation process at the request of the federated governing body and under the Education and Inspections Act (EIA) 2006 the LA is the decision maker for the proposal. The process commenced on 1st December 2011 with an eight week period of consultation which closed on 26 January 2012 and is further referred to in the Consultation section later in this report. A summary of responses is also attached as Appendix A

This report advises the Executive Councillor on making a decision regarding the publication of a Statutory Notice, as required by law, to propose the related proposals of expansion at Monks' Dyke Technology College and the closure of Tennyson High School. If the Executive Councillor gives approval to the publication of a Statutory Notice there will follow a further 6 weeks representation period giving another opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive later this year.

Recommendation(s):

Following the completion of the consultation period, the first phase of the statutory process, the Executive Councillor is recommended to take the next step of publishing a Statutory Notice. This notice will confirm the 2 related proposals as follows:-

- (a) to close Tennyson High School with effect from 31 August 2012
- (b) to expand Monks' Dyke Technology College with effect from 1 September 2012

Alternatives Considered:

1. That the Statutory Notice is not published and the consultation process is stopped. This would mean that both schools would remain open with all pupils on roll continuing their education on the same site at their current school.

However, this would have the following disadvantages:-

- Tennyson High School would continue to face the educational challenges highlighted earlier in this report.
 - It is likely that the DfE will impose its own solution in which neither the LA or the schools will have any input or control.
 - This would not address the issues of falling rolls and consequent pressure on the educational and financial sustainability of both schools.
 - This would make it more difficult to provide a wider range of services and facilities to the local communities.
 - This would be unlikely to provide enriched provision and integrated services for children and young people in the area.
2. That the Statutory Notice is not published and the consultation process is stopped with pupils continuing with their education on the same site and at the same school at which they are currently on roll with both schools continuing in their current form but with consideration given to other federation or collaboration possibilities.

However, all alternatives have been explored and the current proposal has the full support of both the governing body and the LA. The federated governing body is convinced that merging the two schools will continue to extend the breadth of the curriculum and range of extra-curricular activities and also help to ensure equality of opportunities for students of all abilities in both Louth and Mablethorpe.

Reasons for Recommendation:

The Council would not be actively participating in this process if it did not see significant advantages for children and young people, their parents/carers and the local communities in the Louth and Mablethorpe areas. The proposal helps sustain local provision and will enhance the quality of provision.

There are a number of reasons for the proposed merger which are detailed below:-

1. Current and future standards of pupil attainment

- Recent results at both schools show some fluctuations. Although there has been a significant dip in attainment on the 5A*-C including English and Maths measure at Mablethorpe, there are verifiable indications that standards will recover substantially in 2012 restoring the overall pattern of improvement. The LA believes that the merger will provide the opportunity for standards and results to improve further

- The predictions for the results for a combined school indicate an upward trend over the next two years, towards the government's floor target of 50% for 2015. This should allow the governors and the leadership of the two schools to decide the future of the education on offer without the imposition of an external solution.
- Post-16 provision accessible to students at both sites will be significantly enhanced by the merger enhancing relevance, motivation and ultimate achievement.
- Access to a comprehensive menu of study support activities throughout the year will be provided as an integral part of the wider curriculum and therefore help to enhance pupil attainment.

2. Breadth of curriculum

- Greater curriculum choice including wider access to specialist facilities across the federation, will create a broad and rich opportunity for young people in Louth and Mablethorpe to achieve their maximum potential.
- Both schools will benefit from the potential curriculum expertise that will be on offer at each site.
- The potential to provide a much broader curriculum offer to all students at Key Stages 3, 4 and 5 will benefit all pupils.
- 'A' level expertise at Key Stage 5 in Monks' Dyke Technology College will benefit the Tennyson High School pupils with a greater breadth of subjects and courses available to all.
- The existing provision of the English Baccalaureate will be secured for all pupils on both sites.

3. Retaining and recruiting high quality teaching staff

Most secondary schools on or near Lincolnshire's east coast experience difficulties from time to time in recruiting qualified teaching staff with appropriate subject specialisms. One larger organisation across the two sites will offer greater career opportunities to existing staff and to potential future applicants when seeking to recruit high quality teaching staff.

These wider development opportunities will help to secure the quality of staffing and enable a greater focus on the development of senior and middle management whilst also maintaining the provision and stability of high quality teaching and learning. The new school will benefit from the expertise and experience of senior management teams at both schools.

4. Financial sustainability

The future number on roll in the secondary sector will fall over the next few years as Year 7 intakes feed through from low Key Stage 2 numbers in the primary sector. As the majority of school funding is calculated according the number of pupils on roll this will have a negative impact on the level of funding received as numbers fall. These financial pressures require careful planning to ensure that sustainable curriculum and staffing models are in place. This proposal will help provide a degree of financial stability and a better opportunity

for long term, sustainable, high quality secondary education for children and young people in Louth and Mablethorpe. The revised reduced staffing structure and other economies of scale that will follow the reorganisation as one school will enable better management of costs and assist in dealing with a deficit budget situation. In the short term the two schools have already visited the staffing reduction panel for approval of their indicative proposals.

5. Use of Resources

The proposal will enable better and more effective use of resources so that all pupils can have access to the facilities available at both schools.

In addition, this proposal should have the advantage of enabling wider access to a range of extended services and improved opportunities for community and family learning supporting the LA's Children's Services vision. It will also enable the continuation of the statutory and legal processes and allow the process to continue to the next stage giving a further opportunity for people and organisations to express their views about the proposal and ensure that they will be taken into consideration by the Executive.

1. Background

Monks' Dyke Technology College, Louth and Tennyson High School, Mablethorpe are both secondary schools in the east of the county operating within a selective education system. Schools of this size and nature are facing increasing educational challenges operating as stand alone schools. They are experiencing the following difficulties which are further detailed in the "Reasons for Recommendations" section in this report:-

Standards of pupil attainment

Breadth of curriculum

Recruitment of teaching and leadership staff

Financial sustainability

In addition the issue of falling numbers on roll is a significant one with this trend being experienced by many secondary schools across the county and low numbers likely to continue for a number of years.

Under DfE guidance the recommended number on roll for a secondary school to be educationally and financially viable is 600 as a minimum with preferably over 1000. At the October 2011 census (the most up to date validated data) the number on roll at Monks' Dyke Technology College was 902 and 304 at Tennyson High School. Both schools have been undersubscribed in recent years.

In order to provide a solution to the above difficulties the two schools have been working together since September 2008 leading to a formal federation in February 2010. By drawing on the strengths of both schools this has enabled progress to be made in addressing standards. The collaboration has also brought

new opportunities, in particular to the Mablethorpe students, in offering a much broader curriculum and a wider range of extra-curricular activities. However, further action is required as the DfE has made it clear that it will impose a solution outside the control of the schools and the LA unless a structural solution can be found that will improve standards significantly and meet government standards.

The current proposal is viewed by the LA and the federated governing body as the best option to move forward offering an opportunity to build on the progress made by the schools working together in recent years and also the opportunity to improve educational standards for children of both communities.

2. Conclusion

It is recommended that the proposal is implemented to ensure the best educational opportunities for the children and young people of Louth and Mablethorpe. The advantages of implementing this proposal are detailed earlier in this report in the "Reasons for Recommendations" section. The two schools have been working together for some time leading to federation in February 2010. Merging the schools is the final step in the original long term plan agreed by the governors and has the full support of the LA. It is viewed by both the governing body and the LA as an opportunity to build on the excellent progress made in recent years through the federation and will provide a sustainable solution with the structure to improve the quality of education to the children of both communities.

This report recommends that a Statutory Notice be published regarding the closure of Tennyson High School and the expansion of Monks' Dyke Technology College. Publishing a Statutory Notice to confirm this proposal will allow the process to continue initiating a representation period of six weeks giving a further opportunity for people and organisations to send in their views and comments before the final decision is taken. A decision is required at this stage from the Executive Councillor as to whether to proceed to the publication of a Statutory Notice. The factors to consider in making this decision are within this report and all responses made during consultation must be considered (summarised in Appendices A and D).

3. Legal Comments:

The legal issues to this decision, which is within the remit of the Executive Councillor, are set out within the report.

4. Resource Comments:

The recommendation in the report should secure improved outcomes for pupils and better value for money. Under the local funding formula for schools, the new school will have one less block allocation, but this will be offset, at least in part, by the introduction of a split site factor. These changes will be financed through the Dedicated Schools Grant. As the new school will operate across two sites, there may be some transport cost implications in future years. At this stage, there is no indication that capital investment will be required, but if funding is necessary, this will be considered as part of Children's Services capital programme.

5. Consultation

In order for the two schools to merge to enable the formation of one LA maintained school, the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the EIA 2006 and the guidance of the DfE regarding closure (Appendix B) and expansion (Appendix C)

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation document must set out the problem that is being addressed and invite comment on one or more solutions. The LA must take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The EIA 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The Headteachers have actively consulted with the students currently attending the two schools, and will continue to do so during this process to explain the proposal being consulted on. Pupils were all given the opportunity to feedback through School Council representatives and summaries of their responses are attached. (Appendix D)

A letter (Appendix E) was sent out to interested parties (listed in Appendix F) on 1 December 2011 to commence an eight week period of consultation. Public meetings were held at both schools on 12 December 2011 which were attended by representatives of the LA and the two schools together with parents/carers and other interested parties. All attendees were given the opportunity to ask questions and notes were taken which were published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning and are also attached here as Appendix G. Copies of the letter commencing consultation and the consultation document were also published on the County Council website. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form (Appendix H) attached to the consultation document by 26 January 2012.

The written responses received during consultation have been provided to the Executive Councillor for consideration and are also summarised in this report in Appendix A. In total there were 36 valid responses with 20 supporting the proposal, 9 against and 7 expressing views neither in favour nor against the proposal. Half of all the consultation responses were from parents with 8 in favour, 7 against and 3 neither for nor against. 25% of responses were from teachers and non-teaching staff members of the two schools. Of these responses 8 were for the proposal and 1 against. The majority of responses were from individuals but 6 responses were received on behalf of District, Town and Parish Councils with 2 in favour, 1 against and 3 neither for nor against. Also, a response of neither for nor against the proposal was submitted jointly by 2 Trade Unions (the National Union of Teachers and the National Association of Schoolmasters & Union of Women Teachers) on behalf of the staff at Monks' Dyke Technology College which expressed concerns and raised issues for consideration. Finally a response in support of the proposal was submitted by the governing body of a feeder junior school.

If the Executive Councillor decides to proceed to Statutory Notice, this would initiate a 6 week Representation Period giving a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken at the meeting of the Executive on 6 June 2012. Under the EIA 2006 the LA is the decision maker for the proposal and has agreed to facilitate the statutory process before making a decision at the end of the process in June 2012. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether. The last stage of the statutory process would be the implementation of the proposal with the closure of Tennyson High School on 31 August 2012 and the expansion of Monks' Dyke Technology College on 1 September 2012 if it is decided to proceed.

a) Has Local Member Been Consulted?

Yes. Members who represent the communities involved were notified of the commencement of the consultation process on 1 December 2011 and how their views and comments could be submitted.

b) Has Executive Councillor Been Consulted?

Yes. This proposal has the approval of the Executive Councillor who has been informed and involved throughout the process over the past 12 months

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

An Equality Impact Assessment (EIA) has been completed and is attached as an appendix to this report (Appendix I)

Apart from its obligations to consider the statutory guidance referred to the Council has obligations under the Equality Act 2010 which must be taken into

account by the Executive when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The Council believes that this proposal will not lead to any discrimination and that in recommending the proposal the Council is having due regard to its obligations under The Equality Act.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Summary of written responses in the Consultation period
Appendix B	DfE Guide "Closing a Maintained Mainstream School"
Appendix C	DfE Guide "Expanding a Maintained Mainstream School"
Appendix D	Summary of responses from students on roll at the two schools
Appendix E	Letter to commence consultation
Appendix F	List of Interested Parties
Appendix G	Notes of Questions and Answers at two public meetings
Appendix H	Consultation Response Form
Appendix I	Equality Impact Assessment Form

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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