

<b>Open Report on behalf of the Interim Executive Director of Children's Services</b>
---

Report to:	<b>Executive</b>
Date:	<b>6 June 2012</b>
Subject:	<b>The merger of Monks' Dyke Technology College, Louth and Tennyson High School, Mablethorpe</b>
Decision Reference:	<b>02017</b>
Key decision?	<b>Yes</b>

**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 January 2012 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 889. Tennyson High School is a smaller school with no formal sixth form and had the capacity for a total of 425 pupils with a number on roll of 334 (including 39 subsidiary sixth form pupils on roll at another school). 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 issues by drawing on the strengths of both schools. This collaboration has also brought new opportunities to both Tennyson 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 Tennyson 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. It reinforces the priorities in the Children and Young People's Plan (CYPP) and supports the Council's aim of ensuring that as many children as possible can reach their full potential. The proposal 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. Under the Education and Inspections Act (EIA) 2006, as updated by the Education Act 2011, 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. The decision was then taken to proceed to the publication of a Statutory Notice on 29 February and this initiated a 4 week Representation Period for the submission of written objections or comments. This period ended on 11 April and no responses were received. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal.

This report seeks to advise the Executive on making the final decision regarding the expansion at Monks' Dyke Technology College and the closure of Tennyson High School.

**Recommendation(s):**

Following the completion of the statutory process, in accordance with current legislation, the Executive is recommended to take the final decision to approve 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

These 2 proposals are related and one cannot go ahead without the other.

**Alternatives Considered:**

1. That the two related proposals detailed in this report are not approved 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 nor 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 in both areas.
- This would be unlikely to provide enriched provision and integrated services for children and young people in both areas.

2. That the two related proposals as detailed in this report are not approved, the consultation process is stopped and pupils continue 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 potential alternatives have been explored and the current option 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 Tennyson, 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 ultimately 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 from 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 to 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. The LA has a statutory obligation under current legislation to raise standards, promote educational opportunities for all, maintain diversity of provision, promote choice for parents and have a focus on local communities. These two related proposals will assist the Council in fulfilling these obligations by creating a sustainable solution providing educational opportunities for all reflecting community needs.

### **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 Tennyson 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.

### **Reaching the decision – Preliminary Considerations**

The requirements for decision making relating to the closure and expansion of maintained mainstream schools are set out in the guides "Closing a Maintained Mainstream School" and "Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form" published by the DCSF (now the DfE). Copies of these guides are attached as Appendices B and C.

The guides set out certain checks that the decision maker should follow before proceeding to take a decision. These are addressed below:

- (i) Is any information missing? It is considered that there is no information missing and that the Executive has in this report the information that is required to enable a decision to be reached.
- (ii) Are the two proposals detailed in this report related to other published proposals? The answer to this is no.
- (iii) Do the published notices comply with statutory requirements and has the statutory consultation been carried out prior to the publication of the notices? The statutory notices were published in accordance with sections 15(1) and 19(1) of the EIA 2006. Consultation must, and has, included all parties specified within the relevant sections of the EIA 2006 including children, staff, parents/carers, the Diocese and other interested parties listed in Appendix F.

## **Factors to be considered by Decision Makers**

In reaching a decision the Executive must have regard to statutory guidance issued by the Secretary of State as detailed in the attached guides in Appendices B and C and referred to in the following paragraphs. The Complete Proposal (Appendix K) also includes information which must be considered together with feedback from consultees received throughout the entire process.

### *A System Shaped by Parents*

The Executive must take into account the extent to which the proposal is consistent with the LA's duty to respond to representations from parents about the provision of schools. There were no submissions from parents in the Representation Period. Of the total of 36 written valid responses received in the consultation period half were from parents with 8 in favour, 7 against and 3 neither for nor against the proposal. All responses have been made available to the Executive and must be fully considered.

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity by implementing a dynamic system in which weak schools that need to be closed are closed quickly and replaced by new ones where necessary and the best schools are able to expand and spread their ethos and success.

The LA has put forward the current proposals as the best and preferred option to meet these criteria. As detailed above, under "Current and future standards of pupil attainment", the LA believes that the merger will provide the opportunity for standards and results to improve.

### *Standards*

The Executive should be satisfied that the proposal will contribute to raising local standards of provision and will lead to improved attainment for children and young people paying particular attention to the effect on groups that under-perform with the aim of narrowing attainment gaps. As stated above, the current and future standards of attainment are one of the main justifications for the changes recommended in this report. The LA believes that the two related proposals in this report provide the best option to maintain and improve standards of attainment, will enable the children and young people of Louth and Mablethorpe to access strong educational opportunities and also present them with the best opportunity of reaching their potential.

### *Diversity*

The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live. The Executive should consider how the proposal will affect local diversity taking account of the range of schools in Louth and Mablethorpe and the impact on the aspirations of parents, and whether the proposal will help raise local standards and narrow attainment gaps. As referred to

above, the LA believes that this proposal will be likely to lead to both improved standards and an enhanced quality of education for current and future children in the area, and will secure the provision of secondary education within Mablethorpe whilst also maintaining diversity.

#### *Balance of Denominational Provision*

If the proposed merger goes ahead there will be no change to the number of denominational places provided in the area and therefore there will be no negative impact on the balance of denominational provision.

#### *Every Child Achieving their Potential*

The Executive should consider how the proposals will help every child and young person achieve their potential. This should include how any displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs (eg looked after children or children with special educational needs and disabilities).

The LA believes that the proposals will meet this criterion by not only maintaining these factors but also by providing the platform for these to improve. There will be greater curriculum choice with wider access to a range of extended services and study support services. It is anticipated that all pupils on roll at Tennyson High School at the time of closure will transfer onto the roll of the enlarged Monks' Dyke Technology College so no pupils will be displaced.

#### *Equal Opportunity Issues*

The Executive should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all. There are no sex, race or disability discrimination issues arising from this proposal. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

#### *Need for Places – Provision for Displaced Pupils; the Expansion of Successful and Popular Schools and Surplus Places*

When considering a proposal to close a school the Executive should be satisfied that there will continue to be sufficient capacity to accommodate any displaced pupils taking into account the overall supply and likely future demand for places and considering the quality and popularity of existing provision. Similarly, when expanding an existing school the Executive should consider whether there is a need for expansion and take care not to create unnecessary surplus capacity.



It is anticipated that all pupils on roll at Tennyson High School at the time of closure will transfer onto the roll of the enlarged Monks' Dyke Technology College so there will be displaced pupils. If the proposals in this report are approved the number of school places in the secondary sector in Louth and Mablethorpe will slightly reduce to fall in line with projected numbers. The current Published Admission Number (PAN) for Years 7 – 11 at Monks' Dyke Technology College is 200 and at Tennyson High School is 85. The proposed PAN for the merged school across both sites is 200. As numbers are falling in the area this will provide sufficient places for current and forecast secondary pupil numbers with the capacity to increase if pupil numbers rise in the future. The proposal to expand Monks' Dyke Technology College will involve expansion onto the site of Tennyson High School but will only go ahead if Tennyson High School closes.

The Government is committed to ensuring that every parent can choose an excellent school for their child and therefore the wishes of parents should be taken into account in the planning and management of school estates. There is a presumption that proposals to expand successful and popular schools should be approved and only be turned down if there is compelling objective evidence that such expansion would have a damaging effect on standards overall in the area. The LA believes that not only will there be no damaging effect on standards but that this expansion proposal will provide the platform for standards to improve.

Before approving the proposals the LA must ensure that admission arrangements will fully meet the provisions of the School Admissions Code. The proposed overall reduction to admission numbers in the area will be processed in accordance with the School Admissions Code to determine admission arrangements for the academic year commencing September 2012.

#### *14-19 Curriculum and Provision*

The basis of achieving the government's plan, as part of Raising the Participation Age (RPA), to increase post-16 participation rates and improve learners' skills is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. The LA believes that the newly formed co-educational school will offer post-16 provision of a high standard and quality with good progression routes for all pupils which in turn will increase learner satisfaction leading to increased levels of participation.

#### *Impact on the Community and Community Cohesion and Race Equality*

The Executive must consider the effect on the local community of the closure of a school which is the focal point for family and community activity. Although this proposal involves the closure of a school the site will continue to be used for the new co-educational school and the proposal should not have any negative impact on community cohesion but rather is likely to lead to improved access to extended services. The two existing sites will continue to operate as educational establishments with the same facilities with continued community use. Both schools currently deliver elements of the extended services agenda and this will

continue in the future with the potential that the proposal will lead to improved opportunities for community and family learning.

The question of race equality has already been referred to above in the section entitled "*Equal Opportunity Issues*"

#### *Travel and Accessibility for All*

The Executive should be satisfied that facilities are accessible by being located close to those who will use them and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not have the effect of unreasonably extending journey times or increasing transport costs or result in too many children being prevented from travelling sustainably due to unsuitable routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

Under the current proposals all displaced pupils will be able to continue their education at the newly expanded Monks' Dyke Technology College. As the new school will continue on the two existing sites, there will be no displaced pupils following the discontinuance of Tennyson High School and there should therefore be no impact on current travel arrangements or journey distance and times for pupils and the proposals should not lead to any increased car use. No specific arrangements are proposed for the travel of any displaced pupils to other schools.

The County Council home-to-school transport policy will continue to apply – this provides free home-to-school transport for pupils to their nearest designated school (if it is more than 3 miles away for secondary aged pupils).

#### *Funding and Land*

For any expansion proposals the Executive should be satisfied that any land, premises or capital required to implement the proposals will be available. This expansion proposal is conditional on the closure of Tennyson High School. There will be no capital receipts involved. The land and premises of Tennyson High School will continue to be used for educational use as part of the newly merged school. Therefore if Tennyson High School closes there will be sufficient land and premises to implement the proposal and meet statutory requirements. There are no land or premises issues at the moment. Any proposed modification to either of the two sites will be reviewed within the County Council's capital programme for possible inclusion in future capital allocations.

#### *Special Educational Needs (SEN) Provision*

The Executive should consider the impact of the proposal on the Special Educational Needs provision taking into consideration the guidance laid down in the guide and be assured that the proposal is designed to improve on existing arrangements and enable all children to fulfil their potential.

The following key factors must be considered in order to meet the requirement to demonstrate likely improvements in provision:

- a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- c) improved access to suitable accommodation; and
- d) improved supply of suitable places.

As education is continuing on the two existing sites there is likely to be no impact on SEN provision other than an opportunity to improve the provision with better access to resources and consistently good quality teaching, learning and leadership at the newly expanded school. Consideration of pupils with SEN will take place should there be any relocation of pupils to an alternative part of the existing sites and physical access will be assured should a need be presented. The LA will continue to look to make improvements in the standard, quality and/or range of the education provision for children with SEN and so meet the Special Educational Needs test.

#### *Views of Interested Parties*

The Executive should consider the views of all those affected by, or who have an interest in, the proposals. This includes statutory objections and comments submitted during both the consultation phase and the Representation Period. The Executive should not simply take account of the numbers of people expressing a particular view when considering representations made but should give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposal. All representations, especially from the direct stakeholders, must be considered by the Executive in relation to these proposals prior to the decision being taken. All responses to the consultation period have been received and made available to the Executive (in Appendices A and D) and are also referred to later in the Consultation section of this report. There were no responses received during the Representation Period.

#### ***The Decision***

In considering the proposal the Executive can:-

- reject the proposal
- approve the proposal
- approve the proposal with a modification (e.g. the implementation date) or
- approve the proposal subject to meeting a specific condition

It is not recommended that the Executive lays down any specific conditions and therefore the 'Alternatives Considered' section at the start of this report simply deals with the rejection or approval of the proposals.

All decisions must give reasons for the decision including the main factors and criteria whether a proposal is accepted or rejected.

## 2. Conclusion

The final decision is required from the Executive to determine whether to approve the closure of Tennyson High School and the expansion of Monks' Dyke Technology College as detailed in this report to enable the formation of one new merged LA maintained secondary school with effect from 1 September 2012. 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).

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 current federation and will provide a sustainable solution with the structure to improve the quality of education to the children of both communities.

### **3. Legal Comments:**

The legal issues to be taken into account in making this decision, which is within the remit of the Executive, are fully set out within the report.

### **4. Resource Comments:**

The recommendations in this report will improve outcomes for children, ensure that the provision is sustainable and deliver more effective use of resources. The recommendations would lead to the loss of one block allocation, but the Local Authority would provide additional funding to meet the costs of operating across two sites. These issues with dealt with through the Dedicated Schools Grant.

## 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 as updated by the Education Act 2011 and the guidance of the DfE regarding closure (Appendix B) and expansion (Appendix C). All applicable statutory requirements to consult have been complied with.

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 list of interested parties was compiled according to statutory guidelines comprising as wide a range of consultees as practicable and included parents, the Chief Executive of the District Council, the Parish Clerk of the relevant Parish Councils as well as individual councillors as appropriate. 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](http://www.lincolnshire.gov.uk/provisionplanning) and are also attached here as Appendix G. Copies of the letter commencing consultation and the consultation document (Appendix H) 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 I) attached to the consultation document by 26 January 2012.

The written responses received during consultation were provided to the Executive Councillor for consideration and are also summarised again 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.

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 16 February to proceed to Statutory Notice. A statutory 6 week Representation Period was entered into on 29 February 2012 commencing with the publication of a Statutory Notice (Appendix J) in the local press, at the school gates and within the local community. The Complete Proposal, available in paper and electronic format (Appendix K), to which the Statutory Notice refers was sent to interested parties as detailed in the statutory guidance and was also published on the website [www.lincolnshire.gov.uk/provisionplanning](http://www.lincolnshire.gov.uk/provisionplanning). The Representation Period provides 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 by the Executive on 6 June 2012. Under current legislation the LA is the decision maker for the proposal and is co-ordinating 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. There were, however, no responses were received during the Representation Period.

The last stage of the statutory process would be the implementation of the two related proposals with the closure of Tennyson High School on 31 August 2012 and the expansion of Monks' Dyke Technology College on 1 September 2012 so forming one merged LA maintained secondary school with effect from 1 September 2012 if it is decided to proceed.

Information regarding this proposal has been updated and made available through the County Council website since official consultation began on 1 December 2011. The local and district councillors have been involved in the consultation on this proposal and the Executive Councillor for Children's Services has been engaged throughout the entire process.

**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**

The Children and Young People Scrutiny Committee will consider this report at its meeting on 1 June 2012. Comments from this meeting will be presented to the Executive on 6 June 2012.

#### **d) Policy Proofing Actions Required**

An Impact Analysis has been completed and is attached as an appendix to this report (Appendix L). In summary the analysis undertaken indicates that there is the potential for an element of negative impact arising out of the proposed merger. However, as detailed in the appendix, this is likely to be minimal and mitigating actions will be taken where possible. Further, any negative impact is far outweighed by the benefits of the proposal and the potential for a positive impact.

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 Document
Appendix I	Consultation response form
Appendix J	Statutory Notice
Appendix K	Complete Proposal
Appendix L	Impact Analysis

## 7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
The merger of Monks' Dyke Technology College, Louth and Tennyson High School, Mablethorpe	Lincolnshire County Council Committee Records Reference 01983 - 16 February 2012

This report was written by Paul Holmes, who can be contacted on 01522 553366 or paul.holmes@lincolnshire.gov.uk