

CABINET - 10 AUGUST 2010

OXFORD SCHOOL – OUTCOME OF CLOSURE CONSULTATION

Report by Director for Children, Young People & Families

Introduction

1. Cabinet agreed in September 2009 to support the feasibility stage of a proposal to replace Oxford School (number on roll 1019, January 2010) with an academy. Delays in securing ministerial approval, and a late stage change of lead sponsor for the project, resulted in the commencement of the feasibility stage being deferred until April 2010, with funding confirmed by the Minister of State for Schools and Learners on 30th March 2010. The proposed opening of the academy has been put back from 1st September 2010 to 1st January 2011.
2. A project management company was engaged by the Department for Children Schools and Families (now the Department for Education, DfE) in early May. Monthly Project Steering Groups involving the sponsors Centre for British Teachers (CfBT) Education Trust, Oxford & Cherwell Valley College and the Council, and the DfE are being held as are a number of working groups dealing with the educational vision, personnel, finance, estates/legal etc. are taking place.
3. An essential element of the feasibility stage is consultation with a wide range of individuals and groups who have an interest in the current Oxford School and the proposed academy. This consists of two parts: the Council leading on a two stage consultation about the closure of Oxford School and a parallel consultation about the vision for the replacement academy led by the Project Management Company. These two elements are being run together closely to ensure that there is absolute clarity that the proposed closure is an essential legal process which has to be completed in order that the proposed academy can be created. The next stage, if Cabinet decides to proceed, will be the publication of a Statutory Notice to close Oxford School.
4. The consultations opened on Monday 7th June and closed on Monday 19th July. A variety of media were employed to enable the maximum possible engagement with interested parties: two public meetings; printed literature and questionnaires; on-line consultation via the Council's and sponsors' public websites; primary 'school gate' meetings with parents; shopping centre stall etc. as detailed below.
5. Consultation leaflets were sent to Oxford School students' homes via students, and letters posted to parents, and consultation leaflets were posted to parents of Year 6 pupils from feeder primary schools. Consultation leaflets

were also sent to local primary schools, other secondary schools, local councillors and MPs, users of the Oxford School site and other stakeholders, as well as being available in local libraries. The consultation was covered by local newspapers and radio.

Date	Organisation	Stakeholder Group	Venue
18/06/10	Oxford School	Existing pupils	Student Council
21/06/10	Oxford School	All Staff	Oxford School
24/06/10	Oxford School	Parents and Stakeholders	Public meetings - Oxford School Library
29/06/10	ISIS Cluster	Primary Heads	Four Pillars Hotel
29/06/10	SE Oxford Cluster	Primary Heads	Westwood Hotel
02/07/10	St Mary & John Primary	Prospective Parents	School gate
02/07/10	St Christopher's Primary	Prospective Parents	School gate
02/07/10	Oxford School	Parents / Y6 pupils	Transition Day
06/07/10	Larkrise Primary	Prospective Parents	School gate
06/07/10	Church Cowley Primary	Prospective Parents	School gate
08/07/10	St Francis Primary	Prospective Parents	School gate
08/07/10	East Oxford Primary	Prospective parents	School gate
09/07/10	Oxford School	Existing pupils	Student Council
15/07/10	Templars Square Centre	Stakeholders	Shopping Centre
19/07/10	Oxford School	Parents	Progress Day

Consultation participation and responses

6. The closure consultation received the following responses:
- 74 returns of the online or paper questionnaire.
 - A 599 signature petition.
 - A vision statement developed by a group of parents, ex-pupils, staff, teachers, educationalists and community organisations as part of the 'Save Oxford School' campaign.
 - A response from the local branch of the National Union of Teachers.

- A paper from the OX4ED Group of educationalists making the case for a 3-19 educational campus, or federation with Cheney School as alternative options.
 - A letter from one of the sports clubs currently using Oxford School's facilities, requesting that consideration be given to the needs of such users when planning any future capital works at the school.
7. Responses are summarised below, and original copies are available as background papers.

In addition, there were two public meetings held at the school. A summary of issues raised at these meetings is attached as an Annex .

8. Summary of questionnaire responses

74 people responded via the online or paper questionnaire [copy available], of whom 22% were parents/carers of pupils at Oxford School and 38% were parents/carers of pupils at primary schools. Below is an analysis of the 74 responses:

15 respondents (20%) agreed with the proposal. Of these, 4 were parents/carers of children at primary schools, 5 were parents/carers of children at Oxford School, and 1 was the parent/carer of children both at primary school and Oxford School.

There were significant differences in levels of agreement among different sub-groups of respondents:

Category of respondent	% agreeing with proposal
Parents of pupils at Oxford School	38%
Parents of primary school pupils	18%
Teachers/headteachers/governors	24%
Local residents/others who are not parents of children at primary school or at Oxford School	15%

Those agreeing with the proposal considered that it would give the school a better chance of further improvement; would attract more resources; would create useful links with partner organisations; and help "rebrand" the school to encourage recruitment.

58 respondents (78%) disagreed with the proposal. The reasons given are summarised below:

Issues of accountability and responsibility:	39 (53%)
○ Lack of parental/staff/community influence in governance	19 (26%)
○ Schools should be locally accountable	15 (20%)
○ Credibility and experience of sponsor	13 (18%)
○ Education should be the local authority's responsibility	13 (18%)
Issues of school improvement	40 (54%)
○ School already improving/successful	27 (36%)
○ No (independent) evidence that academies improve standards	16 (22%)

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○ School already doing /could do everything suggested in the brochure	9 (12%)
○ Proposal not sufficiently innovative	4 (7%)
○ Academy status not necessary/useful in order to further improve	1 (1%)
○ Sponsors' interests may skew the curriculum	1 (1%)
Issues of cost and resource use:	19 (26%)
○ No additional resources are guaranteed	10 (14%)
○ Land will be sold to finance project/given away to private sponsor	2 (3%)
○ Proposal is just cost-cutting	4 (5%)
○ Closure would be more cost-effective	1 (1%)
Criticisms of the decision making process	19 (26%)
○ Inadequate consultation	14 (19%)
○ Other options not sufficiently explored	9 (12%)
○ Academy not wanted by local community/parents/staff/students	4 (5%)
○ Lack of information from sponsors	1 (1%)
Impact on specific groups	10 (14%)
○ Academy status will worsen staff conditions	5 (7%)
○ Reduced provision for special needs	4 (5%)
○ Exclusions will rise	2 (3%)
Impact on wider education provision	9 (12%)
○ Will make collaboration between schools harder	7 (9%)
○ Schools opting out of local authority services will make those services more expensive/less effective	4 (5%)
○ Replacing local authority services from private providers will be more expensive	2 (3%)
Choice and diversity	5 (7%)
○ Don't want a religious school	4 (5%)
○ Reduction in choice as there is already an academy	1 (1%)

15 respondents (22% of those expressing an opinion) agreed with the proposal to include 3-11 year olds, for the following reasons:

- Continuity of education, ethos and care
- Making maximum use of site
- Shared facilities between primary and secondary school
- Convenience for families with children at both schools.

54 (78%) disagreed with the proposal to include 3-11 year olds, for the following reasons:

- Young children need their own space and environment (16%)
- School would be too large, e.g. intimidating for young children (16%)
- Inappropriate to mix such a wide age range, e.g. primary and secondary schools have different focuses; safety concerns (14%)
- Good for children to "move on" and experience different schools (12%)
- No evidence that all-through schools improve outcomes (9%)
- Adverse impact on other schools (9%)
- School site would not be big enough/would lose green space (8%)
- Traffic/noise impact on neighbours (7%)
- Management issues, e.g. too large for efficient management/communications (5%)
- Additional primary school places not needed in this area (4%)
- Only proposed as a money-saving tactic (5%).

9. Summary of the contents of the Petition

The petition contained the signatures of 599 people, of whom 23 (3.8%) were parents/carers of pupils at Oxford School, and 158 (26.4%) parents/carers of children at an Oxford primary school.

The petition registered disagreement with the closure of Oxford School and its reopening as an academy on the following grounds:

- The process has been found by parents and local residents and local community to be undemocratic and not considerate in its duty to engage with them. The local community consists of high numbers of minority ethnic people many of whom English is not a first language.
- There was a failure to give the full statutory period of six weeks required for consultation.
- The potential impact on the local community, which includes high levels of minority ethnic people, has not been appropriately assessed.

It also registered disagreement with the proposal to increase the age range to also make provision on the site for 3-11 year-olds on the following grounds:

- In many circumstances it will be very inappropriate to combine such a varied age range of children in such large numbers.
- The impact of increased traffic, people, vehicle and noise on the local community and residents is unwanted.
- There will be diminished relative comfort to local residents. There will be diminished value of property.
- The potential impact on the local community, which includes high levels of minority ethnic people, has not been appropriately assessed.

Financial and Staff Implications

10. There are none arising directly from this report. However, should Oxford School be replaced by an academy, it would receive the current Oxford School share of the Dedicated Schools Grant plus a proportion of non-delegated expenditure incurred by the Council on behalf of schools. The figure calculated if Oxford School became an academy is £338,707. This is a full year calculation. If the resulting academy opened in January 2011 the figure would reduce to £84,677.
11. The academy would also receive additional resources in respect of local authority functions funded from the local authority budget rather than from the Schools Budget. Initially this additional resource is to be provided by the Department for Education (DfE), however they are reviewing with the Department for Communities and Local Government ways in which Revenue Support Grant allocations to local authorities can be reduced in order to meet this cost in future. Accordingly there is anticipated to be a further cost to the Council which cannot yet be confirmed; DfE estimates are based on an average additional cost of £160k per annum.
12. In addition if, as part of the Transfer of Undertakings (Protection of Employment) (TUPE) process, there are redundancies, then the costs of

these will fall to be met by the Council. At present it is not possible to determine whether there will be any redundancies nor to quantify the potential cost of these. Officers will work with sponsors and the Department for Education to avoid, or if not possible, to seek to minimise the scale and cost of any redundancies.

Equality and Inclusion Implications

13. An Equalities Impact Assessment has been carried out and is available from the Children, Young People and Families Directorate. The replacement of Oxford School by an academy would not, in and of itself, have a direct impact on equalities. Changes to the curriculum are likely to be incremental and the pattern of parental preferences for education at the school will reflect the perception of the relative success of the academy which, in turn, may gradually change the schools' student and family profile. Possible capital investment in an academy could significantly enhance accessibility and have a positive impact on student outcomes.

Summary

14. The responses from parents and carers of children attending Oxford School and those from parents/carers of other children at local primary schools and all of their individual comments on the questionnaire have been read, considered and their comments will provide useful information should Cabinet approve the recommendations in this report. The time parents and carers have taken to complete the questionnaire, and respond to the Council, is appreciated.
15. The issues raised by the petition, particularly the assertion that the Council had failed to provide the full consultation period of six weeks, have been considered. Section 16 of the Education & Inspections Act 2006 establishes the consultation procedures and local authorities also have a duty to have regard to statutory guidance, in this particular case 'Closing a Mainstream School: A guide for Local Authorities' ("the Guidance"). The period of consultation is not prescribed by legislation, although the Guidance recommends a minimum of 6 weeks. The consultation period was in line with the Guidance having run from 7th June and closed on 19th July, thereby meeting the six week requirement in relation to those that have raised concerns.
16. The Guidance also lists interested parties who 'should' be consulted. The word 'should' means it is a recommendation rather than a requirement in legislation. The Guidance lists the LSC as an interested party which *should* be consulted '*if the proposals affect the provision of full-time 14-19 education.*' As the LSC was disbanded in April 2010 and its functions transferred to Local Authorities, when the consultation commenced it was considered that the recommendation to consult the LSC was no longer applicable. However, Officers have since become aware that the YPLA has taken over the consultation duties of the LSC and as such, has been invited to respond to the consultation.

17. The Council's Legal Services confirm that the consultation period in relation to those that have objected was in accordance with the Statutory Guidance and that all interested parties have been consulted.
18. Should the Secretary of State for Education give final approval to the replacement of Oxford School by an academy, this will be through the signing of a funding agreement and Memorandum and Articles of the Academy Trust. This will set out legally binding conditions (e.g. the Admissions Code of Practice) to be complied with should an academy be opened following the closure of Oxford School.

RECOMMENDATION

19. **The Cabinet is RECOMMENDED to**
 - (a) **consider the outcome of the consultation on the proposed closure of Oxford School to enable its replacement by an academy; and**
 - (b) **decide whether to proceed with the publication in September 2010 of a Statutory Notice for the closure of Oxford School, to be determined following a further six week period of representation.**

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Background papers: Responses to public consultation
Equalities Impact Assessment

Other Documents: Oxfordshire County Council Consultation document on the closure of Oxford School (in members' resource room)
CfBT consultation document (in members' resource room)

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July 2010

Oxford School – consultation on closure and replacement with an academy

Questions and issues from public meetings 24th June 2010

CfBT as Sponsor**How was CfBT chosen as an academy sponsor?**

Track record of success in school improvement services.

How much money is CfBT putting in?

CfBT is not putting in money, but provides staff time, expertise and experience.

Will CfBT still want to sponsor Oxford School even without government funding?

Yes.

Couldn't CfBT support the school without it becoming an academy?

Sponsorship guarantees commitment. Without a sponsorship agreement, support could be offered but not guaranteed in the longer term. CfBT would not want to be in the position of public assumption of responsibility but without enough authority to drive forward change. It is desirable for parents to know who is responsible.

CfBT track record as an academy sponsor of St Mark's Academy, Surrey

CfBT was initially a minor sponsor of St Mark's, and had little influence. Following an unsatisfactory Ofsted report, CfBT was asked to become lead sponsor. Latest Ofsted visit (March 2010) found that "the academy is making good progress in addressing the issues for improvement and in raising students' achievement" and that "Governors rigorously monitor the academy's work. They ensure that all policies are ratified and have a programme of continuous review in place." From this experience CfBT has learnt that they would not again want to be a minor sponsor, as this creates a public assumption of responsibility but without enough authority to drive forward change.

Will CfBT walk away?

Being a sponsor is very exposing – if the academy fails the sponsor's reputation and future prospects are harmed. Therefore CfBT is fully committed to ensuring success.

How many academies do CfBT intend to run? Are they just trying to increase their economies of scale?

There will be an optimum number of academies for a group, to maximise shared knowledge and experience, but the size of that is not yet known. Not enormous aspirations – don't want to grow too fast.

OCVC as sponsor**How will OCVC's involvement differ from the way they already work with secondary schools?**

As sponsor, could do more to integrate the vocational programme into the school curriculum to raise broader standards.

Shouldn't OCVC be providing this level of support to all schools, without being a sponsor?

OCVC does not have sufficient resources to work at this level with all schools.

Funding of the proposed academy

Where is the £20m that was promised? Will the academy get new buildings?

This academy project was launched before the general election, under the previous academy processes and policies. As such, there is still a reasonable expectation of capital investment, and a visit from DfE and Partnerships for Schools to assess capital needs is expected before the summer holiday. Although there are now doubts over continued capital funding for academies, there are greater doubts over funding for the academies proposed after the election, and also for other secondary schools through the Building Schools for the Future programme. We will not know anything definite until the autumn. However, if a decision is delayed there is reduced likelihood of capital funding.

If there's no more money, where's the extra resource to improve and attract students and staff?

- Academies receive a start-up grant for 2 years.
- CfBT is a substantial organisation which can afford to put staff time into the academy on a charitable basis.
- CfBT and OCVC provide added expertise, and new insight to help staff see how to improve.
- Rising student numbers will increase budgets.

Can we see the draft funding agreement?

The funding agreement gets drafted at a later stage, and is between the lead sponsor and the DfE.

If a primary school is added, how would that be funded?

By OCC.

Is the land given to the sponsors?

The land will be on a 125-year lease.

The consultation and decision making process

Not enough information on the pros and cons of academies.

Links will be provided on the OCC consultation website to further information (subsequently added).

Insufficient publicity for consultation

The consultation process has not been ideal. There was a false start when an earlier sponsor dropped out. This consultation has been available online since 6th June, when there was an item in the Oxford Mail about it. Leaflets were delayed by a week due to a technical problem, but were then distributed via students at Oxford School, as well as to stakeholders such as other local schools. Letters have been sent by post to parents of children due to start at Oxford School in September. Additional events will be held at local primary schools.

Consultation on closure will have a 2nd phase in the autumn. Consultation on the nature of the academy will continue.

What would it take to stop the decision? If a majority of people in the consultation oppose the academy, will the proposal be dropped?

The final decision will be taken by the County Council Cabinet. The decision will be informed by consultation responses, but will not be based on a simple count of responses. However, the more opposition there is, the more closely Cabinet members will scrutinise the arguments.

If the proposal is not agreed, what will OCC do?

Reopen analysis of other options for Oxford School.

The reasons for change

What will the sponsors do to improve standards?

- Sponsors and school leaders are discussing what changes will be needed to the curriculum, including the vocational courses offered by OCVC.
- Training and development for staff – CfBT exists to provide professional support for teachers.
- Clarity and rigour of expectations in lessons.

Freedom to innovate given as an advantage, but why can't all schools innovate?

Innovation can happen under current structure, but CfBT would be able to share extensive experience of innovation. Sponsors would be able to commit more resources to working with the school.

Falling numbers are given as a reason – but numbers have fallen because of the uncertainty about the academy proposal. How can you be sure of increasing numbers?

Numbers have been on a falling trend since 2005 (with one peak in 2008, probably related to difficulties at a nearby school). Certainty is essential to attract more students to the school. The academy will develop a reputation for consistent, high quality teaching; motivated teachers; a focus on basics (including time on task) and knowing pupils (through rigorous assessment); engagement with parents. Accelerating improvement will attract more students. Evidence of other local academies is that numbers rise after conversion.

Falling numbers reduce the school's budget, which restricts the choices it is able to offer, e.g. for GCSE courses. It creates a downward spiral, reducing staff morale. Uncertainty is one of the biggest problems – need to secure a permanent future for the school quickly. What will sponsors do to attract and retain quality teachers?

CfBT exists to provide professional support for teachers. Highly motivated and supported teachers are their essence. Having 3 sponsors widens the numbers of opportunities for development and progression.

The academy proposers are undermining the progress made by Oxford School, under difficult circumstances.

School has achieved progress in the last year, but has not yet made sustained progress. The executive head, IEB and staff have all done a good job, and it is not impossible for the school to continue to improve, but the sponsors can help.

The other Oxfordshire academies haven't improved attainment since conversion.

GCSE results at one of the academies have improved (doubled), and both are expected to improve this year.

Staff concerns

Majority of school staff are against the proposal. Can you guarantee terms and conditions for staff? Can you guarantee that staff will not be pressurised into changing their job descriptions? Will classes be supervised by unqualified cover staff?

- TUPE applies, protecting staff terms and conditions.
- The sponsors are committed to ensuring the quality of staffing; they are not organisations who manipulate staff.
- Policy on cover and supervision has not yet been discussed.

Why is the headteacher already being appointed? Will there be staff, student and parental involvement in the decision? How much will they be paid?

The post of principal has been advertised, and the recruitment process is underwritten by the DfE in the event of the academy proposal not being approved. A “competitive package” is offered, through negotiation with the selected candidate, with a 6-figure salary likely to recruit the best person for this challenging post. Staff and student panels will be involved in the recruitment process.

What short-term plans do you have to ensure good staff in place even before the academy starts, e.g. January 2011?

Need to convince staff that sponsors care about their motivation, and that they will be well-supported with training and development plans. OCVC staff can help with short-term staff gaps in areas where they are suitably qualified.

The nature of the proposed academy

Will it still have a comprehensive admissions policy?

Yes, admission policy will not change.

Governance - how will parents/staff/students/local community have a voice?

- There will be one elected parent governor, but the sponsors are also considering establishing a parent/carers’ forum to engage more parents in the running of the academy, and act as a conduit of parental views to the governing body.
- There will be one staff governor, but staff have different ways of influencing schools.
- OCVC and OCC as sponsors bring the local element. Sponsors are currently identifying other local community groups to include.
- Inclusion of a student governor was considered, but DfE advice was that only over-18s can be governors.

How will the sponsors be accountable?

- The governing body is accountable for children’s education. CfBT Trust hold the governing body to account.
- Parents concerned about their child’s education would, as now, first approach the headteacher, and if dissatisfied then the governors. As OCC will be a sponsor, will still have the option of referring concerns to OCC, as for a community school.

Will there be full commitment to special educational needs?

CfBT, as a charity, works extensively with disadvantaged young people and is committed to being as inclusive as possible. A strength of the school now is its provision for vulnerable children with SEN, and that will not change. Admission policy and systems of support will stay the same.

Curriculum changes – will 6th form courses continue? What does “stage not age” mean?

- Courses already underway or offered by this September will be completed.
- Stage not age means matching the curriculum to children’s needs. Separate pathways will be offered so that some children can fast-track to GCSEs early, while others will be able to receive more intensive support with the transition from primary.

Currently, some relationships between staff and students are too equal. Will there be assertiveness training for staff to increase their authority?

Consultation process has not yet reached this level of detail. A considerable degree of formality is likely.

Other concerns/comments

- Increased privatisation of schools will lead to local authority support services collapsing. Alternative providers of these services will be more expensive.
- Choice and diversity – if this school becomes an academy, there will be no local offer of a secular community school.