

CHILDREN'S SERVICES SCRUTINY COMMITTEE

MINUTES of the meeting held on Monday, 5 October 2009 commencing at 3.00 pm and finishing at 5.30 pm

Present:

Voting Members:

Councillor Ann Bonner – in the Chair
Councillor Liz Brighthouse OBE
Councillor Neil Owen (Deputy Chairman)
Councillor Marilyn Badcock
Councillor Roger Belson
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Jean Fooks
Councillor Janet Godden
Councillor Tim Hallchurch MBE
Councillor Don Seale
Councillor Dave Sexon
Mr Chris Bevan
Mrs Sue Matthew

Officers:

Whole of meeting: J. Dean and L. Michelson (Corporate Core); Jim Crook and Roy Leach (Children, Young People & Families); Councillor Michael Waine, Cabinet Member for Schools Improvement.

Part of meeting: N. Graham (Corporate Core)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

32 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence and temporary appointments were received as follows:

Apology from	Temporary Appointments
Cllr Val Smith	Cllr Liz Brighthouse OBE
Cllr Tony Harbour	Cllr Timothy Hallchurch MBE
Cllr Pete Handley	Cllr Don Seale
Cllr Altaf -Khan	Cllr Jean Fooks

33 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE

(Agenda No. 2)

Councillor Fooks declared a personal interest in Agenda Item 4 on the grounds that she was currently Acting Chair of Iffley Meads School's Governing Body.

34 SPEAKING TO OR PETITIONING THE COMMITTEE

(Agenda No. 3)

The Chairman agreed to 10 requests to address the meeting from the following members of the public and local members:

Councillor Larry Sanders	-	Local Member
Jane Gallagher	-	Local Resident and parent
Bill McKeith	-	Executive Officer of the Oxford & District Trades Union Council
Andy Davice	-	Local resident and parent
Jeremy Spafford	-	Parent
Tony Brett	-	Local resident and parent
Anna Thorne	-	Parent
Catherine Goodwin	-	Parent
Ian Bellchambers	-	Local resident and local resident
Cllr Nuala Young	-	Oxford City Council

The principle points raised by each speaker are briefly summarised as follows:

Councillor Larry Sanders

Spoke in support of reason 3 of the call-in ie. that 'any feasibility study should include looking at other options, not just the academy', raising the following points:

- The academy was the only option available – Expression of Interest (EoI) was effectively sponsored by ULT. Other options such as that of

the Co-Operative Trust, which had been heavily 'flagged' to the Government, had not been considered;

- Two of the fifteen academies sponsored by ULT had been named by Ofsted as a failing school;
- If the ULT option was successful then all secondary schools in the catchment area would be of a religious nature. It was unfair to parents not to offer them the choice;
- Any consultation which had been undertaken to date had not proved to be very helpful. It was unfortunate that there were proposals already underway to move certain schools on to the Oxford School site, which appeared to have been put in place without discussion with parents and the community.

Jane Gallagher

- As a local resident living in the catchment area for Oxford School and a parent of two children, one of whom was a pupil of Larkrise Primary, Ms Gallagher was alarmed to hear of the decision by Cabinet to conduct a feasibility study on ULT as sponsor;
- She stressed the importance to her family of having the choice of a secular school within the area;
- She expressed her concern that the parents of children directly affected by the Council's plans had yet to be consulted. Any consultation should precede a written proposal;
- She urged the Council to withdraw the decision to proceed with the feasibility study until all the options had been considered and discussed with parents and the community;
- Ms Gallagher requested that all of her views expressed above be framed in the light of Oxford School's 'excellent' GCSE results.

Bill MacKeith

- Mr MacKeith explained that the Oxford & District Trade Unions Council was an important representative body which had a remit to represent the interests of trade union members and of the wider community;
- Speaking in support of reason 3, he urged the Committee to advise the Cabinet to continue with the status quo, which was an alternative that had not been considered, on the grounds that Oxford School was a good school, with improved GCSE results and which provided parents with a secular choice. He added that the Council was denying the democratic rights of the parents and the staff to proceed with little consultation and to take away the choice of a local secular school.
- He stated that only one of the schools managed by ULT was performing above the national average and alleged that 17% were poor performers;
- Mr MacKeith urged the Committee to advise the Cabinet not to give away a publicly owned community school to an 'undemocratic private Trust', nor should they sell off public land;

- He concluded by urging the Committee to refer the Cabinet's decisions back for further consideration and to let Oxford School continue.

Andy Davice

- Mr Davice stated that, as a parent of two young children living in the catchment area, he strongly agreed with reason 1, that there had been a lack of consultation with parents, the community and local members;
- He had been concerned to hear it stated (from an unconfirmed source), that the current headteacher of Oxford school was employed by ULT. In his view, if this were to be correct, then a consultation process would be both expensive and superfluous as the decision will have already been made;
- He also highlighted the impact on surrounding schools within the area of having an academy school with no (alleged) responsibility to take statemented children on their roll;
- Mr Davice also highlighted the issue of reduced parental choice, should parents want a non-faith school for their children.

Jeremy Spafford

- As a parent of a child who was attending the school and another who had attended the School, both of whom were happy and excelling, it was Mr Spafford's view that the feasibility study should not have been given the go-ahead to proceed on the basis that it was a failing school. It was his view that it was not a failing school;
- He added that as a parent he had not been either informed or consulted and nor had the teachers. This had led to both feeling confused, upset and undermined by the process. He felt that this was very damaging to the pupils of the school;
- He urged the Committee to recommend Cabinet to consider other options. Whilst he accepted that there were problems which needed addressing, he thought it unjust that the School should be tarred with an adverse reputation, thus making it difficult for the school to attract pupils. There was a need for the Council to promote the School as a good place to go;
- He concluded by warning that it may well be a good option to extend the School to a 3 – 19 age range, but by introducing this, beautiful school grounds could be lost.

Tony Brett

- As a consultation officer for all the schools within the area, and as a neighbourhood action worker, Mr Brett told the Committee that, to date, the community had not been engaged in consultation on the Eol;
- He added that if the proposal to become an academy went ahead, then there would be wide-ranging effects on the infrastructure, including pressure on local roads and the loss of a key cycle lane;

- Without proper engagement, he alleged that the public might believe that the proposal was an attempt by the Council to sell more land for housing purposes;
- He asked why there had been no consultation with other faiths about plans to have a Church of England school, particularly representatives of the Muslim faith;
- Mr Brett concluded that, given allegations that the EoI had been signed off by the Council before the Governing Body of Oxford School had met, it gave the impression that the Council was rushing through the proposal.

Anna Thorne

- Called upon the Cabinet to put more resources into looking at more options;
- She added her concern that many of the parents and members of staff already thought that the proposal to change the School to an academy had already been decided, with a start date of 2012. This would have a very damaging impact on school numbers;
- She concluded that Oxford School was a 'wonderful' school and action was needed to allay confusion in the local press.

Catherine Goodwin

- Catherine Goodwin related her address to that of reason 3. As a parent of primary aged children, living in the catchment area, she pointed out that parents at Oxford School were under the impression that Oxford School would become an academy in 2010;
- She was of the view that the Council would not undertake to conduct a feasibility study unless there was good reason to. However, in her view, it did not appear worth doing so, or indeed desirable, in light of the lack of choice in relation to a faith and also in light of the fact that Oxford School's results had improved greatly;
- She added that in her view, it appeared that staff turnover was high in ULT managed schools.
- In addition, she believed that the MP for the local area was not in favour of an academy, saying that it could not be perceived as viable when one applied any kind of democratic measure to the feasibility study. She added that if parents did not feel that they were being consulted, then that was, in itself, a problem. The Council should be making it a virtue in getting the parents involved.

Ian Bellchambers

- Ian Bellchamber was a parent of two children in year 7 of Oxford School. He spoke in relation to reasons 1 and 3;
- It was his view that, for the proposal to have credibility, then other available options should be looked into, including that of the status quo. Not to do so decried the achievements of the teachers and pupils at Oxford School.

- A secular option would be acceptable and welcoming to all;
- He was of the opinion that other options, such as a Co-operative Trust or federation with a partnership school, should be considered. Not to consider such options represented a denial of parental choice;
- In light of the above, Mr Bellchambers urged the Committee to advise the Cabinet against proceeding with the feasibility study.

Councillor Nuala Young

- In relation to reason 1, Councillor Young commented that the only favourable message which had come out of a lack of consultation with the community was that the parents had now become informed about the situation and were now galvanised into action;
- She informed the Committee that, as a Governor of Oxford School, she had been sent a questionnaire which asked her to express an interest in various options;
- Following the questionnaire exercise, a resolution had been put, and at that point passed that there should be an expression of interest into the possibility of establishing an academy. The problem was that time should then have been devoted to looking at the other options available. The Governors who were present expressed a readiness to do so;
- She had great hopes for the future success of Oxford School. It had achieved much given the numbers of problem pupils and asylum seekers it had attracted. The School's twinning activities with a school in Gloucester had also benefitted the school.
- She concluded by urging the Committee to advise the Cabinet not to conduct a 'token consultation', following the feasibility study, but to look at all alternative options.

35 CALL IN OF A DECISION BY THE CABINET - OXFORD SCHOOL - FEASIBILITY STUDY INTO REPLACING IT WITH AN ACADEMY

(Agenda No. 4)

In accordance with Rule 16 of the Scrutiny Procedure Rules, the Proper Officer had agreed to a request from the following Councillors for a Call In of the Cabinet's decision made on 15 September in relation to 'Oxford School – Feasibility Study into replacing it with an Academy'.

Councillor Mohammed Altaf-Khan
Councillor Alan Armitage
Councillor Jean Fooks
Councillor John Goddard
Councillor Janet Godden
Councillor Jenny Hannaby
Councillor Zoe Patrick
Councillor Larry Sanders
Councillor Ros Smith
Councillor David Turner

The Cabinet decision was to:

- (a) note the content of the Expression of Interest;
- (b) agree to proceed with the 'Feasibility Study'; and
- (c) request officers to bring a further report on the outcomes of consultations undertaken as part of the 'Feasibility Study'.

The reasons given for the request were:

1. Lack of consultation with parents, the community and local members.
2. The Expression of Interest is unclear because it mentions a primary school and a special school being included without identifying them.
3. Any feasibility study should include looking at other options, not just the academy.
4. The impact on the other schools in the area needs to be considered.

The report considered by Cabinet was attached to the Agenda at **CH4**.

The Chairman indicated that she wanted each reason for the request to call-in to be addressed in turn and the business to be conducted as follows:

- a representative from the 10 members who had called the item in to briefly introduce each reason;
- the Cabinet member/officers to respond;
- the Committee to discuss;
- the Cabinet member/officers to respond if it is so wished.

Reason 1 – Lack of consultation with parents, the community and local members

Councillor Godden introduced Reason 1 on behalf of the 10 members pointing out the following:

- The predominant reason was that the Expression of Interest (EoI) had been progressed with much haste, thereby losing the confidence of the parents, who had not been consulted on other options considered up to that point;
- Should the Feasibility Study be proceeded with now, it would not be a productive exercise for the above reason;
- It was important that the parents should feel involved and it was clear from the statements heard from them that they did not; and
- A message should be sent back to Cabinet via this Committee that meetings ought to be held with the parents of pupils at Oxford School and its feeder primary schools prior to proceeding further.

Councillor Waine responded with the following points:

- Oxford School had been designated a 'National Challenge' school by the Government, not by the Council. The Council thus had no alternative but to respond to the designation as soon as possible;
- The Cabinet had to consider a range of options for securing improvements to the School not only to rise above the national targets, but also to reach a sustainable level in the future;
- A range of options had been looked at in some detail with officers and with the Governing Body;
- The Government had pointed the Council to ULT. A government official was present, together with the ULT representative, when the academy option had been explored;
- The Cabinet were not viewing any change made to the School as a 'rescue' option, but as a 'renaissance' option. They wanted parents to select the School as their first choice, the majority of parents did not do so currently; and
- The option for the establishment of an Academy carried with it a consultation process which was government funded and independently led. The Cabinet had underlined that they had deemed the consultation process which related to Peers School to be successful. This process had looked specifically at the major stakeholders and aimed to ensure that they felt they had an influence on the situation. The consultation meetings had been very well attended.

Roy Leach added the following points:

- The same model used for the Drayton School/North Oxford Academy will be used for Oxford School;
- In relation to that model, a number of open meetings had attracted 100 parents. Discussions had also taken place with various interest groups and smaller groups of parents;
- The consultation will be run by an independent consultancy firm;
- Any consultation could not be proceeded with until the appropriate minister had signed off the EoI, thus releasing the funds.

Individual members of the Committee raised the following points in relation to Reason 1:

- Much had happened centrally since the 'National Challenge' initiative, including more interest in co-operative schools and federation;
- Oxford School took in children from across the City;
- Local members and parents should have been made aware of the EoI process;
- Oxford School accepted many children who had been excluded from other schools because it was the only school with free places;

- The East Oxford community was a particularly diverse one and it was very important that the parents and community be consulted;
- The academy route looked to be the best option, but the feasibility study should not be proceeded with yet until the appropriate people had been consulted. People deserved a little more time to be listened to;
- The call-in was premature. The Cabinet were going through all the correct procedures with the EoI and feasibility study. A full public consultation will then ensue in due course;
- If people felt that they had not been consulted or heard, then the points raised by the speakers in this call-in procedure addressed this;
- All the Cabinet papers had been put in the public domain and all members and the public had had the opportunity to look at them;
- All the due processes may have been followed but there had not been sufficient communication. All individuals taking the decisions should take cognisance of the issues the speakers had raised and their need to be communicated with;
- There had been a gap in the process – the Council's Statement of Readiness – Buildings for the Future' had stated that two new schools were expected in 2010.

Councillor Waine responded with the following points:

- The Local Authority had acted in response to National Challenge, which lay down the parameters of the process. The Council had been asked by the Department to look at the academy model as a viable option which would have a potential for success for the community; and they had also pointed to ULT as a potential partner. This had pleased Oxfordshire because this was an opportunity for the Authority to act as co - sponsor, which had not been a available option with Banbury and Peers Schools at the time;
- The EoI could be turned down by the Department. If it was not turned down, the Cabinet was now at the juncture where a detailed and independently-led consultation could be conducted with all stakeholders;
- If the EoI was not turned down, the aim was to have a very full consultation. The Banbury option had been a very much improved form of consultation from that used for Peers School and this would be used. Roy Leach added that it would not be a heavily prescribed consultation process, though the Department would expect the views of the parents to be reflected in it;
- As a result, if Oxford School should close, then the Council would conduct a legally prescribed, detailed consultation. In order to provide linkage, it would make sense to combine consultations;
- The reality was that Oxford School did meet the needs of Oxfordshire's most diverse community, but the schools situated around it were ceasing to support it with the numbers necessary to sustain it. Part of the Council's duty was to ensure that the School was a first choice from parents;

- The North Oxford Academy was a faith-led school, but, last year, was oversubscribed for first choices from a very diverse community. Faith-led schools offered a basic ethos to a school. This assertion was based on the knowledge the Council had about Oxfordshire;
- The rumours circulating that any chosen sponsor would not accept children with special educational needs were untrue;
- 'Building Schools for the Future' stated that there 'could be' two other academies. This Council views the academy model as part of the diversity of schools which the Council could offer in secondary school education.

Reason 2 – The Expression of Interest is unclear because it mentions a primary school and a special school being included without identifying them

Councillor Fooks introduced Reason 2 making the following points on behalf of the ten members:

- There had been significant alarm amongst parents, staff and the community with regard to the possible closure of St Christopher's and, although a letter was received from Janet Tomlinson later, it was felt that no action had been taken up to that point to allay people's fears;
- There had also been much concern expressed about the future of Iffley Mead School, but no discussions had taken place with the School's Governing Body. No schools had been specifically mentioned within the EoI;
- It was premature for the EoI to go ahead in such a vague form;
- Discussion with the appropriate Governing Bodies should have been built in over a number of meeting cycles to ensure adequate time for consideration; and
- She asked that if there was a presumption that primary schools would be situated on the site, would it pre-empt other schools expanding?

Councillor Waine responded making the following points:

- The aim was to have new 3 – 19 provision and not to have specific schools. There was also need for extra provision for primary years within Oxford City;
- With regard to the point made about St Christopher's School, officers had entered into confidential discussions with the Governing Body Chair and the Head Teacher. Letters had been sent to parents explaining the situation. Parents had attended the Cabinet meeting and efforts had been made at all stages to listen. There had been a clear decision not to involve St Christopher's School within any proposals for an Oxford Academy;
- If the School became an Academy, the Council would assign the whole of the school site over for 99 years for use as an Academy – this would reserve the piece of land. Cllr Waine was not aware of any plans to sell any land on the Oxford School site to housing.

Roy Leach commented that;

- the age range of the proposed academy was 3 – 19 years and it had been forecasted that 180 additional reception places were required over a period of 6 years. This would equate to an extra form of entry per year. This would mean identifying other schools in the area for growth. Councillor Waine added that the outcomes of the Primary Review Board recommendations had been a clear commitment to build extra classrooms and expand schools over time;
- The EoI process had been very time limited and, although efforts had been made, it had not been possible to consult with the Chair of Governors and Head Teacher of Iffley Mead School. This was the reason that this School had not been named in the EoI.

Reason 3 – ‘Any feasibility study should include looking at other options, not just the academy.’

Janet Godden introduced Reason 3 and summed up the points in favour on behalf of the other 10 members as follows:

- Reference had been made in the EoI to ‘more radical options’ , but there had been no assurances given that other options had been explored;
- The money which was proposed to be spent on the feasibility study could be spent on years 5 and 6 in feeder primary schools with the aim of achieving higher results.

Members of the Committee expressed a number of views and concerns during debate. These were:

- Concern that the community might not back the scheme when consulted;
- Concern that the community were unaware of any of the other options that had been considered;
- Belief that Oxford School could offer the children living in the community the education they deserved without any upheaval. The School was improving;
- A feasibility study, as an outcome of an EoI, had to be about something specific and therefore had to concern only one option.

Councillor Waine responded as follows:

- Other options had been considered, and it was the view of the local authority and the School’s Governing Body that the academy option was the only viable one with potential for a renaissance for Oxford School;
- There are web sites available that explained the requirements of National Challenge;
- If linkages were to be made with other schools, then those schools would require the school in question to have a very clear track record

with regard to improvement and attainment. This had proved to be a major issue when considering a way forward;

Roy Leach pointed out that the Government funding was exclusive to conducting a feasibility study into the option to create an academy. However, a number of options had been explored in the lead up to the current situation.

A member of the Committee had asked when the other options had been considered. Councillor Waine responded that the options had been referred to in a Cabinet paper and that they had been the subject of a very full and intense discussion. In response to a further question asking on what basis an option relating to the establishment of a Co-operative Trust had not been supported by the local authority, he explained that the Department had ruled that Trusts needed to have an embedded system of school improvement to be considered viable. At the time the Co-operative Trust had only established one Trust and did not therefore had a proven track record.

Reason 4 – ‘The impact on the other schools in the area needs to be considered’

Councillor Fooks introduced reason 4 and summed up by asking how the proposal would affect other schools in the area.

Councillor Waine commented that this proposal was about sustaining a school from within its community and about supporting a school to raise its attainment.

Members of the Committee expressed a number of views and comments during debate. These were:

- The academy option was a firm way forward;
- Oxford School had raised its attainment by 12% in one year. If an academy did not succeed, parents would think very seriously about sending their children to another school within the city.
- Had the Cabinet taken an in depth look at the complex pattern of demographics of the area? Had they looked at how more primary provision would affect neighbourhood schools in the area?
- If there was to be more primary provision, how would this affect neighbourhood schools?;

Carole Thomson advised the Committee as follows:

- She expressed concern that officer time going into other schools might decline during the period of establishment of an academy, particularly as the Council was embarking on making more efficiency savings. Reference had been made to the Council meeting 50% of the costs incurred by the academy. The implications of this should be discussed openly and transparently;

- If parents were to be given the option of sending their children to a non faith school, then they would be entitled to school transport. This would serve to increase the pressures on the budget.

Councillor Waine responded that he had written to Oxford School to congratulate them on their results. However, National Challenge required sustainable results over at least a 3 year period. He added that action needed to be taken to draw the people living in the community. Therefore it had to be viewed as a successful school with a high level of attainment. With regard to the point about more primary provision, and how it would affect neighbourhood primary school provision, he explained that if the academy option were to be adopted, then the local authority, as co-sponsor, would have the ability to declare that there was only the need for 'x' number of places.

Having considered each reason in turn, Councillor Godden was asked to sum up on behalf of those members who had called the item in. She made the following points:

- There had been no opportunity, or indeed, it appeared, no willingness shown to hold discussions with the schools involved and parents affected prior to when the formal consultation process associated with the feasibility process would take place. It was hoped that the Committee would decide to advise the Cabinet to address this;
- The Eol had not been clear (earlier drafts had, in fact, been clearer) about how the 3-19 option would be utilised. Parents were very concerned that it had not been fully discussed within a public forum. It had not been made clear about what had been discussed, by whom, and where the written records were held. There was a requirement for these to be circulated;
- The feeder and other primary schools within the area needed to be consulted with, together with the parents, particularly with those parents who did not want a faith school. ULT as an organisation was very firmly faith based;
- There had been general agreement that Oxford School's results had been remarkably good this year. If there was certainty that ULT could bring about a great improvement, then it was certain that full support from the community would ensue;
- It was concerning to learn that the Co-operative Trust option had not been put forward because the local authority had not supported it; and
- The Cabinet had arrived at a very 'narrow point' with almost nobody being involved in the discussions. There was legitimate community concern about this.

Councillor Waine responded that, similarly at this point, there had been no specific prior discussions with the parents of North Banbury. Consultation came with the feasibility study. He pointed out that the North Oxford Academy had become an over subscribed school with a potential for future excellence.

The Chairman then addressed the Committee stating the following:

‘Having listened to all the evidence today, the questions, the answers and the subsequent discussion, I have heard nothing that leads me to believe that there has been a lack of proper process. I therefore put to a motion to the Committee that:

The decisions made by Cabinet matter be not referred back and that no further action be taken’

Councillor Fooks spoke against the motion stating that ‘a lack of due process’ failed to encapsulate the many reasons put forward at the meeting against what was felt to be a premature decision made by Cabinet to enter into a feasibility study, without due consultation with stakeholders. She felt that the Chairman should take each reason in turn and should take a vote on each separately.

In response to a request made by the Chairman for advice, Nick Graham advised her that the Committee could take a vote on every reason, or she could take the statement ‘lack of due process’ to encapsulate the reasons put forward in total.

The Chairman determined that the motion should stand and it was put to the vote. The motion was carried by 8 votes to 5.

The meeting closed at 5.30pm.

..... in the Chair

Date of signing 2009