

TELFORD & WREKIN COUNCIL

CABINET – 8th DECEMBER 2009

**PLANNING OF SCHOOL PLACES:
STIRCHLEY PRIMARY AND THREE OAKS PRIMARY SCHOOL FOUNDATION
STATUS**

REPORT OF CORPORATE DIRECTOR: CHILDREN AND YOUNG PEOPLE

1 PURPOSE

- 1.1 The purpose of this report is to feedback on formal consultation and to seek approval from the Cabinet to publish a statutory notice in relation to proposals to merge Stirchley Primary and Three Oaks Primary schools and designate the proposed new primary school as a Foundation School.

2 RECOMMENDATIONS

The Cabinet is recommended to:

- 2.1 **Authorise the Corporate Director: Children and Young People, to publish a statutory notice in respect of a proposal to merge and co-locate Stirchley Primary and Three Oaks Primary maintained schools into a new Foundation primary school to open in September 2010.**
- 2.2 **Authorise the Head of Property & Design in consultation with the Head of BSF, Resources and Social Regeneration to negotiate the terms of the transfer of Land and Buildings to the new Foundation school and the Head of Legal Services to execute all necessary agreements and documentation relating thereto.**

3 SUMMARY

- 3.1 Formal consultation has taken place regarding the proposal to merge the existing Stirchley Primary and Three Oaks Primary Schools. This process was completed by the end of the summer term 2009. Recent guidance from the Department for Children Schools and Families (DCSF), however, requires that Local Authorities (LA's) increase where possible the diversity of school provision within their area.
- 3.2 Further consultation has taken place with the headteachers, governing bodies and staff in relation to the acquisition of Foundation school status.

4 PREVIOUS MINUTES

- 4.1 Cabinet 12th January 2009 Planning of Places – Stirchley Primary and Three Oaks Primary Schools.
- 4.2 Cabinet 21st July 2009 Planning of School Places - Stirchley Primary School and Three Oaks Primary School Trust Status

5 INFORMATION

Background

- 5.1 As part of the Councils proposals for creating a series of Sport & Learning Communities as part of the Borough Towns Initiative Cabinet approved proposals in October 2009 for the creation of a sports and learning community in Stirchley comprising a rebuilt secondary school (Lord Silkin), a new primary school (replacing Three Oaks and Stirchley Primary Schools) and range of sports and community facilities.
- 5.2 Cabinet approved a consultation over the merging of Three Oaks and Stirchley Primary Schools at their meeting of 21st July 2009. This consultation has now taken place and has met with overwhelming support with no objections expressed.
- 5.3 As a Foundation school, the school remains a Local Authority (LA) maintained school. It operates within the same framework as other maintained schools, teaching the National Curriculum, follows the School Admissions Code of Practice and is subject to inspection by Ofsted. Teaching staff will be employed under the terms of the School Teachers' Pay and Conditions Document. The LA will continue to fund the school on the same basis as all other LA schools and will retain its intervention powers if there are problems at the school.

6 EQUALITY AND DIVERSITY

- 6.1 The proposals detailed in the recommendations to this report would help to promote the Council's equality commitment in terms of:
- Reducing disparities in the current quality of both schools accommodation.
 - Provide better, up to date facilities which meet the requirements of the Disability Discrimination Act and opportunities for social inclusion through extended learning, lifelong learning and early years & childcare provision.
 - Ensuring sufficient quality places are available locally to the community within the Stirchley area.

- 6.2 The proposed transition to Foundation school status will not affect the schools approach to ensuring equality and diversity. The school will remain committed to providing quality teaching and learning to all diverse groups within its community.

7 ENVIRONMENTAL IMPACT

- 7.1 All new buildings provided by funding from the Primary Capital Programme would be designed to the latest environmentally friendly and energy efficient standards and replace old outdated buildings which are energy inefficient.

8 LEGAL COMMENT

- 8.1 Changes to school organisation are governed by the requirements of the Education and Inspections Act 2006 and Guidance published by the Department for Children Schools and Families [DCSF].
- 8.2 The Local Authority is required to follow the statutory requirements in the Education and Inspections Act 2006 with reference to consultation.
- 8.3 The Local Authority has obtained consent from the Secretary of State to publish the proposals for a new school without running a competition pursuant to section 10 of the Education Act 2006.
- 8.4 Any decision, following consultation, to merge schools and to establish a new school requires the publication of a statutory notice which must stand for a 6 week period. Following the notice period ultimate decision making passes to the independent Schools Adjudicator who may accept, reject or seek to amend the Foundation School Proposal.
- 8.5 The freehold land and buildings which are occupied by the primary school will be transferred in accordance with the DCSF Guidance for the Transfer and Disposal of School Land in England from the Local Authority to the newly created Foundation Primary School on the implementation of the acquisition of the Foundation for nil consideration by virtue of the Education and Inspections Act 2006. The land and buildings will be held by the Foundation. Should this role cease the land and assets will revert to the Local Authority.
- 8.6 From the date of implementation, the governing body will become the employer of staff within the School. The School Organisation (Prescribed Alterations to Maintained School)(England) Regulations 2007 (paragraphs 29-32 of Schedule 1) provide for all rights, powers, duties and responsibilities in relation to the employment of staff to transfer from the local authority to the governing body of the Foundation School.
- 8.7 It is expected that the governing body of the Foundation School will honour the outcome of Job Evaluation for all support staff on NJC terms and conditions.

9 LINKS WITH CORPORATE PRIORITIES

9.1 The specific proposals will all significantly contribute to the realisation of the Council's Community Priorities with particular emphasis in respect of:

- Transforming Telford & Wrekin;
- Giving Children & Young People the Best Possible Start in their lives;
- Maintaining a High Quality, Attractive and Sustainable Environment;
- Strengthening the Local Economy & the Skills of Local People.

10. OPPORTUNITIES AND RISKS

10.1 The opportunities and risks associated with this proposal have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

11 FINANCIAL IMPLICATIONS

11.1 The funding for the new school will be met from the Primary Capital Programme recently confirmed by DCSF following evaluation of the Authorities Primary Capital Strategy. The interim accommodation requirements e.g. temporary classbases will be met from capital receipts from the overall Borough Towns Initiative Sport and Learning Communities (BTISLC) Project.

11.2 Ongoing revenue savings will be realised through the merger of two primary schools into one single school due to the associated reduction in headteacher post, administration costs, repairs and maintenance on old buildings, utility services etc. These savings will be reinvested into all schools.

11.3 Foundation School Status

The school will remain a maintained school funded by the LA and therefore the only significant financial implication for the LA is that an 80% mandatory charity National Non – Domestic Rate relief is applicable to the Foundation school. When reflected in the schools' funding formula, this will release an amount of funding to be reinvested in all schools. The ownership of the land will transfer to the Foundation school governors once the application process has been completed. In this case the school is due to relocate as part of plans for Borough Towns Initiative Sport and Learning Communities. The current site will then revert back to Council ownership, and the new site will transfer to the respective Foundation school governing body.

12 WARD IMPLICATIONS

12.1 The site is located within the Nedge Ward.

**Ward Members Councillor Yvonne Hicks
 Councillor Ute Sambrook
 Councillor Richard Tyler**

13 BACKGROUND PAPERS

- Building Schools for the Future – Strategy for Change Part 1 and 2
- Building Schools for the Future – Outline Business Case
- Children & Young People Asset Management Plan
- Every Child Matters: Primary Capital Programme Prospectus (March 2006)
- Telford & Wrekin Primary Strategy for Change (Resubmission March 2009)

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