

## **Cabinet – 24 April 2009**

### **Darlaston Community Science College: determination of statutory proposal**

<b>Portfolio:</b>	Councillor Zahid Ali, Children's Services
<b>Service:</b>	Walsall Children's Services - Serco
<b>Wards:</b>	All Walsall wards but particularly Bentley and Darlaston North and Darlaston South
<b>Key decision:</b>	Yes
<b>Forward plan:</b>	Yes

#### **1. Summary of report**

- 1.1 This report provides information to enable Cabinet to decide whether it wishes to approve the statutory proposal to close Darlaston Community Science College on 31 August 2009, subject to the signing of a Funding Agreement by the Secretary of State for the opening of an academy on 1 September 2009. (For clarity this means that the closure would be followed immediately by the opening of the Academy with no disruption to the education of the students at the school. Should the Academy not be established, Darlaston would continue as a community school.) There are substantial potential risks to this proposal which include those associated with abnormal ground conditions, risks to the approved capital programme and the possibility of a school budget deficit. These risks will continue to be monitored and mitigated as the project proceeds.

#### **2. Recommendations**

- 2.1 That Cabinet approve the statutory proposal to close Darlaston Community Science College on 31 August 2009 followed by the opening of an academy on 1 September 2009 subject to the signing of a funding agreement by the Secretary of State.
- 2.2 That Cabinet approve the grant, at peppercorn rents, of the required short term lease, occupational license and 125 year lease of the land shown for illustrative purposes only, edged bold on plan EPMS 3234 (**Appendix 4**) and extending to 8 hectares or thereabouts, and delegates approval of final terms and the final plan to the Executive Director of Children's Services in consultation with the portfolio holder.

### **3. Background information**

- 3.1 On 22 October 2008, Cabinet approved the publication of a statutory proposal to close Darlaston Community Science College on 31 August 2009 subject to the signing of a Funding Agreement by the Secretary of State for the opening of an Academy on 1 September 2009, this being the representation consultation period.
- 3.2 A statutory notice was published on 16 January 2009. In response to direction from DCSF resulting from a national issue this notice was withdrawn and a new one was published on 30 January.
- 3.3 Details of previous reports on this matter are provided in the 'Background Papers' section.

### **4. Resource considerations**

#### **4.1 Financial:**

##### Revenue

- 4.1.1 As an Academy, Darlaston would receive its revenue budget from the DCSF, the amount being calculated using the Walsall scheme.

Community Academies assume some but not all responsibilities from the Local Authority and their budgets reflect these additional responsibilities.

To reflect not having to provide the new academies revenue budget and some central services, Walsall's Dedicated Schools Grant would be reduced by the sum provided to Darlaston Academy. The full sum that will be paid to the new Academy, if it opens, will be £3.95 million. This sum is the existing schools budgets and the cost of services they will no longer receive from the Council.

- 4.1.2 The Council and the education contractor can offer to continue to sell services to the academy including the additional central support services for which the academy would hold a direct budget. Local Authority supported 'community' academies have Local Authority representation on their governing bodies. Some academies purchase some or all of their services from the Local Authority. Sheffield Community Academy has continued to purchase some services from the Local Authority and education contractor, but Walsall Academy does not purchase any of these services.

##### Capital

- 4.1.3 The DCSF will make a fixed sum available for the proposed new academy and the Council will be required to either manage the capital project within that fixed sum or meet the additional costs from its own resources. Partnership for Schools has indicated that the capital allocation is likely to be in the region of £30 million; however, this will be revised to reflect the recently updated location factor for Walsall. This factor takes account of regional variations in

construction costs. If the cost of the project were to exceed the capital allocation, a further report would be brought to Cabinet.

4.1.4 The capital project for the proposed academy would be taken forward through the national framework developed by Partnership for Schools.

4.1.5 There will be an expectation from the sponsor and Partnership for Schools that the Council will make good any health and safety issues before the proposed academy opens and that any serious condition items of an urgent nature are resolved. These matters would be identified through a survey which is being undertaken in April and a schedule of necessary works would be identified and agreed. The Council would have to meet the cost of addressing them as it is considered by Partnership for Schools that these would be the responsibility of the Council as they relate to the condition of the accommodation for the existing Darlaston School. At this stage it is not possible to estimate the likely cost of these works. Details of any necessary works would be reported to Cabinet and approval sought for any capital expenditure. Any such works would be progressed by Property Services and funded through the 2009/10 modernisation strand in the education capital programme. Minor general works will be funded through Darlaston's devolved formula capital.

4.1.6 If Darlaston becomes an academy, future capital monies would be received directly from the DCSF.

4.1.7 Financial Risks:

There are a number of financial risks for the Council and these are set out below together with a risk mitigation proposal:

4.1.7.1 **Sprinkler system**

The capital funding envelope from Partnership for Schools (PfS) does not normally fund sprinkler systems. It is the Council's policy to install sprinkler systems in all new build schools within its property portfolio. However on status change the Council will continue to own the school which will be leased to the sponsor. The estimated cost of installing sprinklers is circa £300k. The proposal is for sprinklers to form part of the tender package for the school build with a price for sprinklers separately identified. If tenders including sprinklers are lower than the PfS funding allocation, PfS has agreed in principle that sprinklers can be funded out of the funding envelope. If tenders come in higher than the funding envelope the sponsor will then be asked to make a decision on how they wish to proceed. This of course may have insurance implications for the sponsor.

4.1.7.2 **Ground conditions**

There is a risk that abnormal ground conditions will result in higher tender costs than the PfS affordability envelope. Commissioned site surveys will be required in order that an estimate of abnormal costs can be completed. If this results in estimated costs higher than the standard abnormal allowance, PfS has recently agreed that they will consider funding the estimated shortfall out of the Funding Allocation Model (FAM). PfS will not however,

provide an unqualified agreement to fund all costs. However they have said that as long as the Council/Technical Advisor have done everything they can to mitigate these costs, they will consider the additional funding. There remains a risk that the Council could still face substantial costs.

**4.1.7.3 Affordability gap**

Walsall MBC's submission to PfS for National Framework User Project Support Funding detailed that estimated costs to set up academies at Shelfield and Darlaston would be £1.098 million. This bill is met by £0.4 million of funding from PfS, £0.4 million from the mainstream capital programme and £0.3 million from the education capital programme.

**4.1.7.4 Potential deficit budget**

Actions have been taken to ensure the school is not over spent at the proposed closure date (31 August 2009); however, the risk of a small shortfall needs to be considered. Steps are being taken using powers set out in the Scheme for Financing Schools to minimise the risk of a potential budget deficit.

**4.1.7.5 Compromise agreements**

The DCSF expects the Local Authority to contribute 50% of the cost of any compromise agreements. All staff have the right to TUPE and no compromise agreements can be made without the Local Authorities agreement.

**4.1.7.6 Potential works to George Rose Park**

To offset the loss of the park area, see 4.1.11, the Council may be required to enhance the remaining Park facilities e.g. fencing, car park and footpaths.

Site and Property

4.1.8 To enable the academy to open in September 2009, and to allow time for the detailed design work and funding package for the new buildings to be finalised, the Council will initially grant the academy a short lease. Under this lease, which shall be at a peppercorn rental, the academy shall be responsible for maintaining the premises in no worse condition than at the commencement of the term.

4.1.9 Once the project has reached the construction phase, a Development Agreement will be entered into regulating the provision of the new school. Under this Agreement, the short lease shall be surrendered in favour of an occupational license to the academy. This will enable the Council and its contractors to have control of the wider site for construction purposes whilst leaving the academy with the ability to operate the school from the existing premises.

- 4.1.10 This license arrangement will continue until 1 year after completion of the construction contract to encompass the Defects Liability Period in the Design & Build Contract, at which point the license shall terminate and a 125 year lease shall be entered into between the Council and the academy. This lease will again be at a peppercorn rent but will place full responsibility for repairs and insurance on the academy.
- 4.1.11 The current school site is approximately one third of the recommended size for the school and in order to enable the proposed academy to be able to deliver the sport and PE curriculum it will be necessary for the Council to transfer an additional area of playing fields. It is proposed, subject to consultation, to meet this requirement by realigning the boundary with the adjoining George Rose Park and enlarging the school site. This would increase the size of the site to approximately two-thirds of the minimum recommended size. The consultation process has included discussion with the three Ward Members, the Academy Trust and the Friends of the Park, followed by a presentation to the Local Neighbourhood Partnership (LNP). The LNP supported the proposal subject to investment in the remaining area of the park and an appropriate pricing structure for the use of the facilities. This proposed change of use would be advertised in the press.
- 4.1.12 The 125 year lease will be at a peppercorn rent but will place full responsibility for repairs and insurance on the academy. As terms for the lease agreements and the site boundaries have yet to be finalised, it is recommended that approval of terms and the final plan be delegated to the Executive Director of Children's Services in consultation with the portfolio holder.
- 4.1.13 The proposed licence and 125 year lease shall be in a standard form agreed with the DCSF and the funding bodies. The initial short lease is currently being negotiated between the Council and the Academy but will broadly reflect the conditions in the standard form documents.

## 4.2 Legal:

- 4.2.1 The closure of Darlaston Community Science College in order to enable the school to become an academy is subject to statutory procedures. Following approval by Cabinet, on 30 January 2009, a notice was published. During the six week representation period which followed publication of the notice, seven representations were received.
- 4.2.2 Cabinet must now 'determine' or decide the proposal by considering whether it wishes to proceed. A decision to close Darlaston would be subject to the signing of a Funding Agreement for the proposed academy by the Secretary of State. A copy of the complete proposal is attached as **Appendix 1**.
- 4.2.3 **Appendix 2** provides details of the statutory guidance to be considered by decision-makers when considering the closure of a school. This guidance states that: "If provision for pupils at a school proposed for closure is dependent on the establishment of an academy, any approval of the closure proposals

should be conditional on the Secretary of State making an agreement for an academy, but there should be a general presumption in favour of approval”.

4.2.4 Details of the representations received and comments on them are provided in **Appendix 3**. One of the representations was received after the 16 January, when the first notice was published, but before 30 January when the final notice was published. A copy of these letters has been made available to members of the Cabinet.

4.2.5 The following bodies may appeal against a Local Authority decision:

- the local Church of England diocese;
- the Bishop of the local Roman Catholic diocese;
- the Learning and Skills Council where the school provides education for pupils aged 14 and over; and
- in the case of **foundation** and **voluntary** schools only - the governing body or trustees of the school that is proposed for closure.

4.2.6 Appeals must be submitted to the Local Authority within 4 weeks of the Local Authority’s decision. On receipt of an appeal the Local Authority must then send the proposals, and the comments and objections received, to the Schools Adjudicator within 1 week of the receipt of the appeal. The Local Authority should also send a copy of the minutes of the Local Authority’s meeting or other record of the decision and any relevant papers.

#### 4.3 **Staffing:**

4.3.1 The staff employed at Darlaston are employees of Walsall Council. In an academy, the staff are employed by the governors (trustees). In circumstances where a school closes and reopens as an academy, staff are ‘TUPEd’ across to the new employer on the same terms and conditions of service.

4.3.2 The sponsor has confirmed that the national terms and conditions of service would apply to staff employed at the proposed academy.

4.3.3 Existing staff would be ‘TUPEd’ to the new employer and there should not be any redundancies.

4.3.4 It is understood that the sponsors are considering compromise agreements with a small number of staff. The DCSF meet 50% of the cost of any compromise agreements. No compromise agreements involving the Local Authority in expenditure can be made without their agreement.

## **5. Citizen impact**

- 5.1 There is the potential to rapidly improve secondary education provision in the Darlaston area and there is also the potential for greater levels of community engagement.
- 5.2 The sponsor for the proposed academy is the Grace Foundation. In the Expression of Interest, the Grace Foundation states that its aims for the proposed academy are:
- to transform the educational offer for the students and community in Darlaston;
  - to enhance and develop the quality and focus of leadership at all levels;
  - to raise attainment throughout the academy and eradicate poor performance at all key stages, especially targeting areas of weakness both generally and for individual students;
  - to improve the quality of teaching and learning; and
  - to raise aspirations and significantly increase participation rates at ages 16 and beyond.

The Expression of interest also states that community cohesion will be built and strengthened through engagement with parents and by the provision of an academy built to serve the needs of the local community.

- 5.3 During the consultation period, some concerns were expressed about the content of the Religious Education curriculum at the proposed academy. Walsall's Standing Advisory Council on Religious Education develops an Agreed Syllabus for Religious Education that is used by community and voluntary controlled schools. In the Expression of Interest the sponsor stated that "the RE curriculum will be drawn up by the academy and will have regard to the current Walsall Agreed Syllabus".

Also in the Expression of Interest (EOI), that was signed off by the Local Authority and Sponsor in July 2008, the proposals set out below were included.

The Academy places a high value on the ethos and values being established as the foundation for the conduct of the learning processes and as underpinning policies, procedures, decisions and the manner in which adults and students interact.... The spiritual, moral, social and cultural development of all pupils will be important and the Academy will seek to develop in students self worth, a work ethos and achievement, social responsibility and commitment to the wider community. Staff will be expected to fully support the ethos of the school, and to set an example of the highest standards of conduct, dress, and values. Pupils will be required to abide by a code of conduct, and to meet defined standards in terms of dress, attitude and behaviour.

## **6. Community safety**

- 6.1 There are no direct implications for community safety.

## **7. Environmental impact**

- 7.1 If Darlaston Community Science College is closed and a successor academy opened, it is envisaged that the current buildings would be demolished and replacement accommodation be provided. Any new building would be built to the latest building and environmental standards and will incorporate the use of sustainable resources wherever possible; designs will incorporate developments to reduce the impact on the environment.

## **8. Performance and risk management issues**

### **8.1 Risk:**

- 8.1.1 There is a loss of direct control by the Council of property in schools that become academies. This would apply for the life of the academy and there would be conditions in the agreement to ensure that the property would return to the Council if the academy closes and can ensure that the property can only be used for specified purposes.
- 8.1.2 The loss of direct control would be mitigated by the transfer of liabilities and by the influence of a Local Authority representative on the board of governors.

### **8.2 Performance management:**

- 8.2.1 Evidence from the DCSF and the Academies and Specialist Schools Trust suggests that there is likely to be a rapid and significant improvement in Key Stage 3 and GCSE results within three years.

## **9. Equality implications**

### Admissions

- 9.1 The sponsor has confirmed that the proposed academy would not be selective in any way and that it would apply Walsall Council's standard admissions policy. The sponsor has also confirmed that the proposed academy would act in accordance with all relevant provisions of the School Admissions Code and the School Admissions Appeals Code published by the DCSF as they apply at any given time to maintained schools. The proposed academy's admissions arrangements and any changes would be subject to formal consultation in line with the requirements of the Codes and relevant admissions legislation, which at the date of this document is section 89 of the School Standards and Framework Act 1998 as amended, and Regulations under that section. It has also been confirmed that the proposed academy would have regard to and have an independent appeal panel which acts in accordance with the Secretary of State's guidance on exclusions.



- 9.2 The sponsor has confirmed that all students who have a place at Darlaston when the proposed academy opens would automatically be enrolled at the academy.
- 9.3 The sponsor has confirmed that the proposed admission arrangements for the proposed academy would be the same as the current arrangements for Darlaston Community Science College.
- 9.4 Discussions between Walsall Children's Services - Serco, Walsall Local Authority, and the Grace Foundation have led to a clear agreement that the proposed academy would serve the same community as Darlaston Community Science College.
- 9.5 The admission arrangements for the 2010/11 school year for community and controlled schools in Walsall were determined by Cabinet on 18 March 2009. In the case of Darlaston, this determination would be superseded should the school be closed and a successor academy be opened. However, in practice the arrangements would be the same in view of the sponsor's commitments detailed above.

#### SEN

- 9.8 The sponsor has confirmed in the Expression of Interest that the proposed academy would meet the requirements of the SEN Code of Practice and that the principles of inclusion will underpin all developments in curriculum, teaching and learning within the new academy.
- 9.9 A SEN Improvement Test has been completed and this demonstrates that the proposed academy would lead to significant educational benefits for children and young people with SEN.

### **10. Consultation**

- 10.1 Consultation on the proposal to close Darlaston Community Science College in order to enable it to reopen as an academy, subject to the signing of a funding agreement by the Secretary of State commenced on 5 September and ended on 10 October 2008. A report on the outcome of this consultation was considered by Cabinet on 22 October 2008.

#### **Background papers**

Cabinet Report 16 January 2008: Consideration of Academy Status Schools in Walsall.

Cabinet Report 16 July 2008: Structures of Secondary Schools.

Cabinet Report 22 October 2008: Darlaston Community Science College: outcome of consultation on proposed academy.

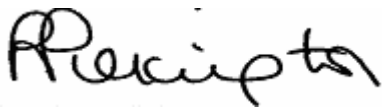
## Author

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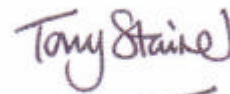
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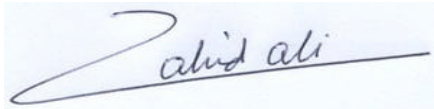
With contributions from Property Services, Legal Services, BSF, HR and Finance Teams



Pauline Pilkington  
Interim Executive Director  
Children's Services  
Date: 8 April 2009



Tony Stainer  
Managing Director,  
Children's Services – Serco  
Date: 8 April 2009



Signed:  
Portfolio Holder: Councillor Zahid Ali  
Date: 8 April 2009

**SECTION 15 PROPOSAL TO DISCONTINUE A SCHOOL**

**PROPOSAL TO DISCONTINUE DARLASTON COMMUNITY SCIENCE  
COLLEGE FROM 31 AUGUST 2009**

**COMPLETE PROPOSAL**

**January 2009**

## 1.Contact details

1. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Local Authority:

Walsall Metropolitan Borough Council

Contact address:

Walsall Children's Services – Serco, Education Development Centre, Pelsall Lane, Rushall,  
Walsall WS4 1NG

School:

Darlaston Community Science College, Herberts Park Road, Darlaston, WS10 8QJ

DCSF number 335 4100

## 2.Implementation

3. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

It is proposed to close Darlaston Community Science College from 31 August 2009 subject to the signing of a funding agreement by the Secretary of State for the opening of a successor academy from 1 September 2009.

## 4.Consultation

5. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

All applicable statutory requirements to consult in relation to this proposal have been complied with.

6. Evidence of the consultation before the proposals were published including—

- (a) a list of persons and/or parties who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted; and
- (d) copies of all consultation documents and a statement of how these were made available.

- (a) a list of consultees is provided as Appendix A
- (b) minutes of public consultation meetings are provided as Appendix B
  - (i) Student Council
  - (ii) Staff
  - (iii) Governors
  - (iv) Parents
  - (v) Community
- (c) the views of the persons consulted are provided in Appendix C

- (d) a copy of the consultation document for the proposed academy is provided as Appendix D.

The consultation documents together with a letter of explanation were made available to the Consultees as detailed in Appendix A. Copies were also made available at Darlaston Community Science College, the local community centre, local libraries and on-line. A large print version was also available on request. The letters and consultation documents detailed the dates, times and locations of meetings for the student council, staff, governors, parents and members of the community. Consultation documents were also available at the consultation meetings. Detailed notes were made at all of the meetings. All consultation responses have been retained.

## **7.Objectives**

8. The objectives of the proposal.

The objective of the proposal is to close Darlaston Community Science College in order to enable a successor academy to be opened. The proposed academy would occupy the Darlaston site and buildings.

## **9.Standards and Diversity**

10. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

### **Standards:**

Standards at Darlaston Community Science College are poor, the lowest in the borough, with only 15.1% of students achieving 5+A\*-C including English and mathematics in 2008 against the government's minimum benchmark figure of 30%.

The school was placed in Special Measures following an Ofsted inspection in November 2007 and as a result of subsequent monitoring visits by Ofsted it was judged that progress since then was inadequate, despite the effective additional support from the LA and from the Black Country Challenge Advisor. Behaviour, ethos and the relevance and challenge of the curriculum are weak.

It is envisaged that the pace of improvement will accelerate and be sustained as a result of the curriculum developments, the consistent behaviour management system, and the revised leadership structure planned for the proposed academy. The provision of improved replacement accommodation and facilities at an earlier date than would otherwise have been possible would also contribute to improvements in these areas.

### **Diversity**

There are 19 secondary schools in Walsall comprising 8 community schools, 1 VA Church of England school, 2 VA Catholic schools, 2 VA non-denominational selective single-sex grammar schools (one for boys and one for girls), 4 Foundation schools and 2 academies. The proposed closure of Darlaston Community Science College and the proposed opening of an academy would broaden diversity by reducing the number of community schools by one and increasing the number of academies to three.

### **Quality of education**

The quality of education in the area is improving slowly but remains low compared to LA and national levels. There is low take-up of further education and training and employment levels locally are low. It is envisaged that as a result of the opening of the proposed academy, there will be an increased pace of improvement because of the greater levels of community engagement (including the involvement of employers) planned by the sponsor and also the provision of replacement school accommodation the standard of which will enhance learning. This is intended to raise aspirations and self-esteem for this community of learners and to

improve local access to learning for pupils and adults, including parents and carers. The proposed academy intends to draw on Trust Funds to equalise opportunity, particularly for the children and young people from families of low income, in the current challenging economic climate, thereby giving access to wider opportunities. Partnership between the proposed academy and other 14-19 providers will provide exciting pathways of learning for all learners within the developing boroughwide collaborative provision.

## **11.Provision for 16 -19 year olds**

**12.** Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities,

for 16-19 year olds in the area.

Darlaston Community Science College provides sixth form education, and it is envisaged that 16-19 year old students would benefit from the proposed closure and opening of a successor academy with provision for 16-19 year olds.

- (a) It is expected that educational or training achievements would improve as a result of the proposed curriculum developments planned for the proposed academy and the provision of replacement accommodation and facilities.
- (b) Participation in education or training: the Expression of Interest for the proposed academy indicates 350 places for 16-19 year olds; this number is still the subject of discussion. The broader curriculum offer is expected to result in an increase in staying-on rates. The minimum age at which young people can leave learning is being raised to 17 from 2013 and to 18 from 2015 and this is expected to result in increased staying-on rates in schools in addition to increased participation in other settings.
- (c) The range of educational or training opportunities is expected to be greater at the proposed academy. It is planned to offer a broad curriculum which includes a wider range of both academic and vocational courses at a variety of levels, thereby enabling the needs of students to be better met. These opportunities will be further enhanced through partnership with other 14-19 providers in the local area. All other Walsall secondary schools have sixth form provision and a wide range of opportunities are available at Walsall College.

## **13.Need for places**

**14.** A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

The supply of secondary school places in the area would not be affected by the proposal to close Darlaston Community Science College as replacement places would be created by the opening of the proposed successor academy. The current level of places needs to be retained in order to meet the projected demand for secondary school places in the area; the proposed replacement academy would have an equivalent number of 11-16 places and an increased number of post 16 places.

The proposed closure of Darlaston Community Science College is in order to enable a successor academy to be opened and it is subject to the signing of a funding agreement for the proposed academy by the Secretary of State. All pupils on roll at Darlaston would transfer to the proposed successor academy; no pupils would be displaced.

If any parents do not wish their child to transfer to the proposed academy, a place would be

offered at an alternative school within the area. It is thought that such requests would be minimal (if any) and there is sufficient capacity to accommodate pupils at other schools.

**15.** Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Darlaston Community Science College does not have a religious character and there would be no impact on the balance of denominational provision in the area or on parental choice regarding this.

## 16. Current School Information

**17.** Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

Pupil numbers (October 2008)										
Year 7	Year 8	Year 9	Year 10	Year 11	Total Y7 - 11	Year 12	Year 13	Year 14	Total Post-16	Grand Total
134	159	178	176	187	834	68	32	8	108	942
Gender										
Males		53% (496)			Females			47% (446)		
Special Educational Needs										
No SEN		School Action			School Action Plus			Statement of SEN		
No.	%	No.	%	No.		%		No.	%	
710	75.4%	165	17.5%	49		5.2%		18	1.9%	

## 18. Displaced Pupils

**19.** Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- any interim arrangements;
- where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

All pupils on roll at Darlaston Community Science College would transfer to the proposed successor academy; no pupils would be displaced.

Darlaston Community Science College does not include provision that is recognised by the local authority as reserved for children with special educational needs.

**20.** Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

The proposed closure of Darlaston Community Science College and the proposed opening of an academy would not impact on the supply of school places in the area. In view of this, it is not proposed to take any measures to increase the number of school or further education college places.

## **21.Impact on the Community**

**22.** A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

The proposed closure of Darlaston Community Science College and the proposed opening of an academy would not have an adverse impact on the local community.

Secondary school provision would be retained in the local area as the proposed academy would occupy the buildings of the predecessor school (pending the completion of replacement buildings) on the Darlaston site. The admission arrangements for the proposed academy would be in line with the current admission arrangements for Darlaston Community Science College and for community schools in Walsall. In view of this, parents' opportunity to obtain a place for their child would not be affected by the proposed closure of Darlaston and the opening of an academy.

The proposed academy would be a key player in the local community and a focal point for regeneration of the area. It plans to develop as a full service extended school and encourage community use of all its facilities.

**23.** Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Darlaston Community Science College offers a limited range of extended services and opportunities for pupils include after school clubs, study support and sporting activities. There is no provision for adult or family learning although people are signposted to other provision in the local area.

The proposed academy would be a key player in the local community and a focal point for regeneration of the area; it expects to operate flexible and extended hours in order to maximise impact on the regeneration of a vibrant community.

The proposed academy would offer as wide a range as possible of extended school activities and would build on existing links with the community and business. Community use of all its facilities and sports provision would be encouraged and a wide and stimulating community education provision would be available on site. There would be consultation with the local community to establish how local needs could best be met.

## **24.Travel**

**25.** Details of length and journeys to alternative provision.

Journeys from home to school would not be affected by the proposed closure of Darlaston Community Science College and the proposed opening of an academy. All pupils would transfer to the proposed academy which would occupy the buildings of the predecessor school ie Darlaston.

**26.** The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

In the event that any parents request a place at an alternative school, transport advice will be made available in order to minimise increased car use.



## **27.Related Proposals.**

**28.** A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

The proposed closure of Darlaston Community Science College is not related to any other proposals which have been, are, or are about to be published.

## **29.Rural Primary Schools**

**30.** Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15 of the EIA 2006, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
- (b) the availability, and likely cost to the local education authority, of transport to other schools;
- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- (d) any alternatives to the discontinuance of the school,

as required by section 15(4) of the EIA 2006.

Not applicable.

## **31.Maintained nursery schools**

**32.** Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- (b) the local education authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

Not applicable.

## **33.Special educational provision**

**34.** Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Darlaston Community Science College does not include provision that is recognised by the local authority as reserved for children with special educational needs ie there is no designated SEN provision at the school. Normal admission arrangements for children with statements of SEN apply in line with the School Admissions Code and the SEN Code of Practice.

In October 2008, 75.4% of the pupils had no SEN, 1.9% had a statement of SEN, 5.2% were at School Action Plus and 17.5% were at School Action.

It is believed that the proposal is likely to lead to improvements in the standard, quality and range of educational provision for pupils with SEN currently attending Darlaston Community

Science College in the following ways.

Access to education and associated services would be improved through the full inclusion of all pupils in the life of the academy within the context of the national curriculum, the school curriculum as a whole and the SEN Code of Practice. Curriculum pathways tailored to the needs of SEN pupils would offer a differentiated and individualised curriculum with greater emphasis on supporting the core skills of literacy and numeracy in Key Stage 3 and functional preparation for the world of work in Key Stage 4. This individualised approach would see pupils with additional needs slotted into closely tailored curriculum models within the proposed academy.

Support structures would be significantly enhanced through the provision of an holistic approach to inclusion and the greater use of HLTAs to construct learning with pupils and innovative approaches to using TAs. SEN review procedures would be used to identify any barriers in the way of students' learning and plan appropriate, reasonable action, and ensure that all students have appropriate learning targets which are challenging.

The proposed academy plans to further develop Darlaston's extended school provision and offer as wide a range as possible of extended school activities and would build on existing links with the community and business. This would result in access to an increased range of services and opportunities for pupils with SEN and their families. Out of school hours support would include holiday clubs and homework clubs.

In line with Walsall's Accessibility Strategy, the replacement accommodation planned for the proposed academy would be designed to ensure that it was compliant with DDA requirements and other accessibility requirements set out in Part M of the Building Regulations. Accessibility levels would be much higher than at present with wheelchair access to all teaching areas, lifts as appropriate, and accessible and disabled wc and changing facilities.

The overall facilities and equipment would be significantly improved as a result of the proposed investment in replacement accommodation. Additional funding is made available to new academies and all pupils would benefit from this investment in resources.

**Consultation Document**

Consultation on:	A Proposal to Discontinue Darlaston Community Science College from 31 <sup>st</sup> August 2008 in order to establish an Academy to open on 1 September 2009
Deadline:	All responses must be received by <b>10<sup>th</sup> October 2008</b>
Consultees:	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Parents of all pupils at Darlaston Community Science College</li> <li><input checked="" type="checkbox"/> Parents of children offered a year 7 place at Darlaston Community Science College in September 2009</li> <li><input checked="" type="checkbox"/> Headteacher, Governors and Staff of Darlaston Community Science College</li> <li><input checked="" type="checkbox"/> Student Council at Darlaston Community Science College</li> <li><input type="checkbox"/> Headteachers of all Walsall Schools</li> <li><input checked="" type="checkbox"/> Councillor Z Ali, Portfolio Holder for Children's Services</li> <li><input checked="" type="checkbox"/> Ward Councillors</li> <li><input checked="" type="checkbox"/> All Walsall Councillors</li> <li><input checked="" type="checkbox"/> Chair of Darlaston Local Neighbourhood Partnership</li> <li><input checked="" type="checkbox"/> Professional Associations and Trade Unions: ATL, NAHT, NASWUT, NUT, PAT, SHA, TGWU, UNISON and GMB/APEX</li> <li><input type="checkbox"/> Education Welfare Officers for Darlaston Community Science College</li> <li><input type="checkbox"/> Education Walsall OMB</li> <li><input type="checkbox"/> Finance Resource Consultants for Darlaston Community Science College</li> <li><input type="checkbox"/> School Improvement Advisors for Darlaston Community Science College</li> <li><input type="checkbox"/> Denis O'Rourke, Head of Education Asset Management</li> <li><input checked="" type="checkbox"/> The Officer responsible for school organisation in neighbouring LAs (please bring this letter to the attention of any school that may be affected)</li> <li><input checked="" type="checkbox"/> Diocesan Schools Commission – Fr Marcus Stock</li> <li><input checked="" type="checkbox"/> The Church of England Diocese of Lichfield – Colin Hopkins</li> <li><input type="checkbox"/> Paul Goddard-Patel, Governor Support</li> <li><input checked="" type="checkbox"/> Bruce George MP, Walsall South Constituency</li> <li><input checked="" type="checkbox"/> David Brown –Director of Children's Services , Walsall Council</li> <li><input checked="" type="checkbox"/> Paul Sheehan – Chief Executive, Walsall Council</li> <li><input checked="" type="checkbox"/> Jane Evans – Director of Commissioning Walsall tPCT</li> <li><input checked="" type="checkbox"/> Henry Seaton – Black Country LSC (Walsall)</li> <li><input checked="" type="checkbox"/> Mike Bell – Black Country LSC</li> </ul>
Public Access:	<p>Darlaston Library  Pleck Library  Wednesbury Library  Darlaston Town Hall  Moxley Community Centre  Education Walsall Website  <a href="http://www.educationwalsall.com">www.educationwalsall.com</a> (access through the School Organisation link)</p>
Responses to:	<p>Susan Lupton  Strategic Leader  School Organisation, Admissions, Capital and Asset Management  Walsall Children's Services  Education Development Centre  Pelsall Lane  Rushall  Walsall  WS4 1NG</p>

KEY: ☐ Distributed by email    ☒ Distributed by mail

# Consultation Meeting Notes

<b>Location:</b>	Darlaston Community Science College
<b>Meeting with:</b>	Student Council
<b>Date:</b>	25 September 2008
<b>Time:</b>	1.35 pm

## PRESENT:

<b>Walsall Children's Services - Serco</b>	<b>Darlaston Community Science College</b>	<b>Others</b>
Avril Walton – AW	Deputy Head Teacher	Bob Edmiston – Grace Academies – BE
Keith Warburton - KW	60 Students	Tracie Edmiston – Grace Academies – TE
Kate Mann – KM	Teacher responsible for student council	David Wooton – Executive Head Teacher Grace Academies – DW
Tom Williams – TW		Steve Chase – Grace Academies - SC
		Tony Gee – Vice Principal Grace Academy Solihull - TG
		Rachael Edwards – Grace Academy – RE
		4 Students from Grace Academy Solihull - ST

KW opened the meeting and outlined the process of consultation. DW from Grace Academy gave a presentation on existing academies and BE outlined the proposal for Grace Academy. The students from Grace Academy Solihull were then asked questions by the Student Council, without the sponsors present before the sponsors returned to answer specific questions. Questions were posed by the school council unless stated otherwise.

## Questions, Comments and Responses

### ➤ How long is the school day?

ST                      We start at 8.30 and end at 3.20 but we're encouraged to stay for an hour once a week as well.

---

➤ **How many lessons are there per day?**

ST                  6

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➤ **What are extended hours for? Is it optional?**

ST                  The extended hours are for homework and clubs. It is optional to attend.

---

➤ **How long is break and dinner?**

ST                  Break is 15-20mins and lunch is 30mins

---

➤ **How long is each lesson?**

ST                  55mins with a 5 min change over time.

---

➤ **Can you explain the lockers system?**

ST                  Everyone has a free locker to put your books in.

---

➤ **Have your grades benefited from the new school?**

ST                  Yes  
TG                  How do you know?  
ST                  I was predicted As and Bs and I have achieved As

---

➤ **What options do you have for GCSE?**

ST                  BTECs, Law at GCSE and A level, Spanish, Child Development, Dance. You get 4 options and that must include business or ICT.

---

➤ **What options do you have in 6<sup>th</sup> form?**

ST	Not Sure
TG	There are a large range of AS and A level subjects tailored for what you want to do, if there were enough children who wanted to study a subject then we would arrange a teacher for the course.

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➤ **Is the uniform policy strict?**

ST	There are rules such as no trainers, piercings must be studs and your top button must be done up.
----	---

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➤ **What sport is on offer?**

ST	Everything you want to do and we compete with other schools.
TG	Fitness rooms can be used and the gym is included in the GCSE syllabus.

---

➤ **Is there a swimming pool?**

ST	No
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➤ **Do you enjoy your new school? Is it stricter?**

ST	Yes and you get used to the rules and learn that your attitude matters.
----	---

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➤ **Do you always have to wear your jacket?**

ST	Yes
TG	You have to wear it when moving around the school but you are allowed to take it off in class.

---

➤ **Do you have detentions?**

ST	Yes
----	-----

---

➤ **Do you have a studio?**

ST Yes we have a radio station, music practice rooms and media suite.

---

➤ **What are the after school activities like?**

ST Lots of sports, the gym, IT, dance and language clubs.

---

➤ **What sports facilities do you have?**

ST 2 astro turf pitches, a gym, 2 sports halls, and basketball courts.  
TG We have full size floodlit astro turf pitches for use by the community and it is as busy at night as during the day. We also have a media suite and radio station that can now broadcast on licence into the community. Unfortunately this didn't open on the 1<sup>st</sup> day, it took time.

---

➤ **Do you have any fights?**

ST Some but they get sorted out pretty quickly.  
TG We do have some fights with 1500 children it's expected, but every time there is a fight we look at how to resolve it. We used to have lots of buildings but now we only have one and there are less places for fights to happen.

---

➤ **Do you have graffiti or damage?**

ST Not really although some toilet doors did get kicked in then replaced.

---

➤ **What is the reward system? Do you get to go on trips?**

ST We have a credit system and credits are deducted for bad behaviour. We have been on trips to China, Barcelona and Zambia to set up a Christian radio station.

---

➤ **Do you have sports teams?**

ST Yes rugby, football, hockey and netball

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➤ **What are the changing rooms like?**

ST 2 lots of changing rooms for boys and girls with showers and lockers.

---

➤ **Are there isolation rooms for when you misbehave?**

ST Yes when you get at C4

---

➤ **What is the credit punishment system?**

ST C1 is a warning and lose 1 credit, C2 lose 2 credits and a 15 min detention, C3 sent out of class and lose all credits and C4 sent to isolation.  
The credits are used for competitions between colleges and for rewards.

---

➤ **How long did it take to get everything built?**

ST About a year  
TG The new school was built on the school field and it took about 2 years in total.

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➤ **Are you allowed phones or MP3 players at school?**

ST You aren't allowed them around school and you'd have to keep them in your locker until the end of the day.

---

➤ **Are lockers ever broken into?**

ST No

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➤ **What is the PE kit?**

ST                      White t-shirt and black shorts.

---

➤ **Is the school religious?**

ST                      There is a religious ethos but it isn't forced on you and you don't have to be a Christian.

BE and DW returned to take questions from the school council.

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➤ **What plan do you have for the school in the short term?**

BE                      We would have to use the existing buildings in the short term and upgrade before the new building was in place. There are no plans at the moment and it depends on contractors, we would have to keep people safe from the building work possibly using temporary buildings.

DW                      An academy isn't just a new building though it's also a new curriculum and new way of working.

BE                      In Solihull we were in the new building on the 1<sup>st</sup> day but at the Coventry academy we had to use the same building. But it is not just the building, previously the school would have 100 applications for places per year and this year they had 180 applications and 15 transfers. There's also a big buzz amongst the children and staff with a new ethos and new uniform. There is a new commitment from parents, staff and students to push aspirations of children and give the children a chance to achieve great things.

---

➤ **Will we have new teachers? Will our old teachers be re assessed?**

DW                      Yes and some will want to transfer. In other academies it has been ½ and ½.

---

➤ **Is that our uniform?**

DW                      All Grace Academies have the same uniform that is simple and affordable for your parents with business style jackets rather than blazers.

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➤ **Would it have Darlaston on it?**

DW            No just the Grace Academy uniform.

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➤ **Are the ties clipped on?**

DW            No they're real ties.

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➤ **Do you have homework over weekends?**

ST            Not enough to stop you from socialising although it may take you  
1 night if you saved it all up.

---

➤ **Are girls allowed to wear make up?**

ST            No

---

➤ **Do you have to have the same bags and coats?**

DW            No you don't have to use the same bags but we use lockers  
during the day.  
BE            You also don't carry cash it is all on a card for your lunch and  
vending machines, and if you get free school meals it goes  
straight on.  
DW            It is also a swipe card to access the building.

---

➤ **Do you have form groups?**

DW            We have 5 colleges and tutor groups within these made up of  
pupils from all ages.

---

➤ **Are you allowed to dye your hair?**

DW            Yes

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➤ **Are you allowed off site for lunch?**

DW            No everyone stays on site and we push healthy eating. The menu at school is selected by the student council.

---

➤ **Teacher – the student council seems excited and there have been suggestions of new buildings or new rooms before from Walsall Children’s Services and the children have been let down. Have we any assurances that you will deliver this?**

BE            We have been to see the DCSF about the state of the building and would apply for additional funds due to the poor condition despite improvements over the last 12 months. The DCSF then give the Grace Academy a budget for the transition period to help improvements before using a separate budget for the new building.

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➤ **What is the uniform for the 6<sup>th</sup> form?**

DW            Smart business dress

---

➤ **Would Y11 see any change in the 6<sup>th</sup> form?**

DW            Yes

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➤ **Is the school definitely going to become an academy?**

DW            No today is a day for the sponsors and Walsall Children’s Services to ask consultees if you want an academy to replace Darlaston CSC. So it is very important that your parents attend the meeting tonight and fill in a consultation response form or attend the meeting on the 6<sup>th</sup> October at Salisbury Primary School.

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The Deputy Head thanked the students from both schools for attending before KW closed the meeting.

# Consultation Meeting Notes

<b>Location:</b>	Darlaston Community Science College
<b>Meeting with:</b>	Staff
<b>Date:</b>	25 September 2008
<b>Time:</b>	3 pm

## PRESENT:

<b>Walsall Children's Services - Serco</b>	<b>Darlaston Community Science College</b>	<b>Others</b>
Avril Walton – AW	65 Staff of Darlaston Community Science College	Bob Edmiston – Grace Academies – BE
Keith Warburton - KW	Union representatives	Tracie Edmiston – Grace Academies – TE
Kate Mann – KM		David Wooton – Executive Head Teacher Grace Academies – DW
Sophia Modiat - SM		Steve Chase – Grace Academies - SC
Tom Williams – TW		Rachael Edwards – Grace Academy – RE

KW opened the meeting and outlined the process of consultation; AW then outlined the closure process and announced the further meeting at Salisbury Primary School on 6<sup>th</sup> October. BE introduced the Grace Academy Proposal and DW gave a presentation on the Grace Academy. Questions were posed by the staff unless stated otherwise.

## Questions, Comments and Responses

- **We're in special measures at the moment what happens if we close on the 31<sup>st</sup> August and re open on the 1 September?**

AW                      The new school would not be in special measures.

- **Why? How would anything be any different?**

DW            The new school would be a new legal entity with new practices and also some staff may not stay.

BE            We would also be appointing a new head and during the transitional period we would work with the new head to develop a new curriculum for the new school. DW was appointed 5 terms before the Solihull Academy opened, so once there is a funding agreement we can start recruiting.

---

➤     **If a decision isn't made until January then that is not 5 terms.**

BE            Yes but the Solihull Academy was our 1<sup>st</sup> one and we now have the staff on board that can help with the process and there will be training laid on for existing staff.

---

➤     **Still if the decision isn't made until January and staff start on the 1<sup>st</sup> September when will training start?**

DW            We will look to appoint staff as soon as we can and we will work with the school and the council to get that done. The speed of the developments is an issue but we would start training ASAP.

---

➤     **Would we have some level of input?**

DW            Yes and there would be some similarities but with shared practices of other Grace Academies

---

➤     **This is a very short timescale**

BE            There are some cross academy roles, and therefore 2 sites for 1 teacher to work at. We agree it would be difficult due to the timescale but we would try to get it done before September and we do have more experience on this one compared to our previous academies.

---

➤     **Can we have clarification on the TUPE process due to the possibility of appointing a new head?**

AW	TUPE transfer applies to all staff but there is a legal requirement that the Head and Deputy Head Teacher have to be nationally advertised.
BE	At the other Academies not all staff transferred as some chose not to and some left due to previous plans.

---

➤ **Will this operate on a like for like basis?**

DW	A process will be agreed with the unions on transplanting staff to the new academy, as the new academy would have a new structure and therefore new opportunities.
BE	Salaries will be protected but the existing structure may be difficult to carry over.

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➤ **How long does salary protection last for?**

DW	3 years which is a statutory requirement but it hasn't been an issue in the other academies due to new practices of development to best use experience.
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➤ **What about staff with poor attendance or long term sick leave?**

DW	TUPE still applies
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➤ **In terms of quality of staff, would all staff be transferred?**

DW	We will be looking at quality but competency applies as in any other school.
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➤ **Learning Mentor - Will the emotional support for SEN pupils continue?**

DW	We like to concentrate on the whole person and to have happy, fulfilled, engaged and challenged pupils.
BE	We have a pastoral manager per year group and some private youth workers to assist staff. In Solihull the work of the academy has helped reduce police incidents with school children by 30%

---

➤ **Learning Mentor - Would we be able to develop our work?**

DW            We have all sorts of mentors and HLTAs to allow staff development.

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➤ **Learning Mentor - Will there be an increase in wages for LSAs?**

DW            Funding is always tight and we aim to pay on the national pay structure

---

➤ **I only started 11 months ago and used to work for local government, what if I transfer across but am unhappy and go back to the LA?**

SM            Your continuity of service should be protected.  
AW            We will take legal advice and get back to the Head.

---

➤ **Facilities Manager - Most Schools allow the community to use their facilities, how will that work with staffing to allow access?**

DW            We may have to work out a roster

---

➤ **Facilities Manager - Would there be a change of hours for shift work?**

DW            I don't know how it is managed at the other academies I would have to find out.  
BE            There must be some kind of shift work to allow weekend access. It would probable be a 2 stage process with new arrangements required for the new building as the current building may not be suitable for use by the community.

---

➤ **We pay into LGPS would it be the same?**

DW            Pensions would be the same as we would act as an admitted body into the scheme.

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➤ **What happened to the previous head of business studies at the other Academies?**

DW                      At the other schools there was no head of faculty and we had to appoint a new one.

---

➤ **I consider the video to be propaganda and would want to see a structure of the curriculum and pastoral structure of the existing academies?**

DW                      We take issue with the suggestion that the video is propaganda. We will allow visits to the other academies and provide information on their organisation.

---

➤ **What would the working hours be?**

DW                      There would be the same working conditions of 12-65hrs, although at the existing academies we tend to start earlier with 6 hr teaching days and we have an early finish on Fridays.

---

➤ **NUT – We would like to thank you for entering into this consultation process although at the last scrutiny meeting councillors were told that this academy was the only option as the DCSF would step in if an academy wasn't considered. We also consider the academy ethos to be the same as any other community school. Clearly the Grace Academy is good at recruiting but what about the children who do not get a place as the catchment area shrinks? Grace Academy also spent £32 million on the Solihull building would it be the same amount of investment here?**

BE                      The local authority are responsible for our admissions so if the catchment area decreases it is only due to an increase in demand, not any changes to the admissions policy. The budget for the buildings is set pro rata by the size of the school. The budget at Solihull was increased for the abnormalities in the building as it is under the flight route of the local airport, and in this case there may be other abnormalities and an offset for inflation.

DW                      There are some good community schools in Walsall but academies have more flexibility and can initiate changes quicker.

---

➤ **GMB – Have you got figures for your staff turnover rates? Will the facilities staff still remain in house?**

DW            The staff turnover at Solihull was low in the 1<sup>st</sup> year and some staff moved on in their 2<sup>nd</sup> year but we don't have exact figures. We have a contractor to run facilities in Solihull and Coventry, so there could be a later TUPE transfer for facilities staff.

---

➤    **Facilities Manager - Why were the facilities contractors not mentioned earlier and staff not told facilities staff may be working for a contractor?**

BE            There wasn't the immediate change but with the new site we had new requirements and required a new facilities contract. You would then have the same TUPE rights into the new job.

**Facilities Manager - If the new building takes 3 years to build and then I had to be transferred onto a new contract then I may as well look for a new job now.**

---

➤    **NASUWT – We have reservations about academies but we are happy to hear that you are allowing TUPE but what about the new governance arrangements for the academy? Will the staff be on the same blue book conditions?**

DW            We don't want to have a 2 tier system within the staff, with some people on different terms of service to others. We also want a local governing body although it may have a different structure including: sponsor governors, parent governors, local business governors and co opted governors. Staff would be involved in the governing body.

---

➤    **NASUWT – In Walsall we have both national and local arrangements**

SC            If these conditions were contractual then this would transfer under TUPE but if it were a custom then we would negotiate with the unions.

---

➤    **NASUWT – At your Coventry Academy part of the discussion was to have unified conditions across all academies?**

DW            If it were possible and practicable we think this would work well.

---

- **We are wondering that if Darlaston CSC were operating under the same flexibility what we could achieve? We are also worried about being under special measures and there is a lot of uncertainty in the school. We are worried about the rushed timescale and we don't want to rush something that may impact on staff morale. With this short timescale by the time a decision is made it may be too late to find another job.**

DW            We want to engage with colleagues and unions as soon as possible.

BE            we came to the school a year ago to express our interest at becoming an academy so this isn't our timescale. We would also ask staff to give it a try as you have nothing to lose.

---

- **You're in the driving seat and if the timescale were made a bit longer then it would allow people time to move if they wish to. At the moment we only have 2 terms before we become an academy.**

BE            We are not totally in the driving seat as we are operating on a government timescale. We would hate to lose out on funding due to a change in politics or economic downturn. We know that this isn't a perfect situation with the building and timescale but we want to make sure that we are one of the few academies granted per year.

---

- **This will have a negative impact on morale of the staff and the results at the end of the year.**

DW            We need to start working with people and engage with the staff if the process goes ahead

---

- **Have any other sponsors come forward?**

AW            There was another sponsor who came forward but the school felt it wasn't the right sponsor and they withdrew due to the negative response.

---

- **With our local government we can vote them out but what happens if we are not happy with the sponsors?**

BE If we were failing to do our jobs then the government would step in and make changes, but up until now we have not been failing. We have already said that we want to sponsor the academy and have proven we have the capability to do so.

---

➤ **What will happen to students who don't get in?**

BE In our other academies our success has led to local schools raising their standards and we would not be willing to be less successful in order to be less popular.

DW In Solihull unfortunately the local authority has created a catchment that is now too large for the number of places available as we had 500 applicants for 210 places.

---

➤ **We work as contract catering within the existing school, what would happen with the new academy?**

AW You are employed under a council contract and the sponsors would need to consider whether to continue with the council contract. If Grace Academy decided not to continue with the contract then the council would find you employment elsewhere.

BE At our other academies we received presentations from 4 companies and chose the best contract for healthy food and later won an award for healthy eating in the area.

---

➤ **As the site manager I live in the school house but have private access would I get the house on TUPE?**

DW I don't know.

AW The school's house is from the council so we would have to confirm the details with them.

BE In Solihull we had 3 houses on site and we leased 1 house and the council rehoused people in like for like houses.

---

**I am worried that it would not be a like for like change**

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➤ **We are currently advertising for a new caretaker what do we tell them about the possible change in working conditions to shift work and to be taken on by a contractor at a later date?**

AW Anyone in the market for a job at the moment will be facing a similar issue. BSF schools will be undertaking a PFI that will

involve contractors taking on the role of site and facilities management and all jobs in this field are changing.

**I don't think it's very fair to TUPE twice to a contractor and basically lose your job.**

---

KW closed the meeting and thanked people for attending.

# Consultation Meeting Notes

<b>Location:</b>	Darlaston Community Science College
<b>Meeting with:</b>	Governors
<b>Date:</b>	25 September 2008
<b>Time:</b>	6 pm

## PRESENT:

<b>Walsall Children's Services - Serco</b>	<b>Darlaston Community Science College</b>	<b>Others</b>
Avril Walton – AW	1 Staff Governor	Bob Edmiston – Grace Academies – BE
Keith Warburton - KW	6 Parent Governors	Tracie Edmiston – Grace Academies – TE
Kate Mann – KM	1 Non Teaching Staff Governor	David Wooton – Executive Head Teacher Grace Academies – DW
Tom Williams – TW	2 Community Governors	Steve Chase – Grace Academies - SC
	2 LA Governors	Rachael Edwards – Grace Academy – RE

KW opened the meeting and introduced the proposal. AW then outlined the proposal for Walsall Children's Services - Serco and the consultation process. BE outlined the proposal for Grace Academies and DW gave the Grace academies presentation.

## Questions, Comments and Responses

- **You met earlier today with the student council, why not the whole student body?**

KW                      It was a more manageable group of students and we think that we got a good cross section of views

- 
- **If the student council represents the student body is the governing body not a representation of the parents when we say that we are not in favour of the academy?**

BE We couldn't fit all the students in one place for the consultation and therefore the student council is a representation of those students. We also brought students from our existing academy in Solihull to speak with them about their experience. There is a separate meeting arranged for parents later tonight.

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➤ **Who from the community was consulted? Not all community leaders were aware of the meeting**

AW We have to consult meaningfully and Walsall goes further than many other authorities consulting with parents, staff, governors and prospective parents we also post documents in the local area and public places. If you know of community leaders who have not been consulted and would like to meet with Walsall Children's Services and the sponsors then we can arrange this. We have already arranged another meeting for people to attend after Ramadan.

KW If you could give us a list of the community groups not consulted then we will contact them

AW if any groups want an additional consultation meeting they should contact em and I will arrange it.

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➤ **The governors were not consulted on the possibility of an academy until half way through the process. Walsall Council's consultation is not good enough and Walsall Council makes selective consultation. The governors have had no say on any other possible sponsors and this has been forced on us. It is also inappropriate to use exam results as a yard stick to compare schools, saying this is a failing school therefore the route is an academy.  
What would your admissions arrangements be?**

DW We would admit pupils as part of the local authority admissions policy.

BE There will be no differences between current admissions arrangements we would not be selective.

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➤ **The consultation process is offensive that all the meetings have been crammed into 1 day. 25% of the school's population is Muslim and the meetings have been arranged in the middle of Ramadan.  
I have read the consultation document and what is in it for Grace Academy?**

BE                      Regarding the consultation it is a council issue and to fit in with Ramadan we have arranged an additional meeting on 6 October. As for what is in it for us, we will make no money out of the academies. I have personally invested £4 million into Grace Academies as part of a total £170 million donated to charity and got nothing back. I want to give something back and do something good for the community. In Solihull we have had reports from the police that the incidence of crime involving students of the school has reduced 30%. We are interested in every part of a child's development not just their education.

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- **We have seen your literature and it does not mention the governing body. As an existing governing body we have sent letters but not been allowed to attend cabinet to object. We seem to be the forgotten bit at the back end of Walsall.**  
**If the academy does go ahead will staff transfer to the new school?**

SC                      Staff would transfer under TUPE to the new school.  
BE                      The academy would have a new governing body and under TUPE rights staff would be able to transfer under current pay and conditions, although if a teacher was not performing then we would follow the national guidelines.

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- **How long does TUPE last?**

SC                      After TUPE staff are entitled to all the protection they get under national employment law.

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- **In most academies the head has been replaced.**

DW                      At the Solihull academy the head teacher was due to retire and in Coventry the existing head teacher was appointed. Under regulations the head and deputy head teacher have to be advertised to follow national procedure.

BE                      We held a meeting earlier with the union representatives and so far there have been no issues with the other academies.

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- **Part of the reason that the school is in such a poor state is because it has been ignored by Walsall Council. If the school is to close on 31 August and open on 1 September what can be achieved in one day to improve the mess of a building?**



BE                      We will receive a budget to transform and re brand the school and it won't be done in one day, lots of work will be carried out over the summer holidays. We also have full time staff to start working now in preparation for a positive outcome.

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➤      **What about resources and staff?**

DW                      Our final goal would be to have a brand new building but work will be carried out to improve the school in the meantime. We will also work with the staff and the head teacher to get ready for the new academy.

BE                      We would recruit a new head who would come on board during the transition period working on the curriculum and other education issues.

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➤      **How would the new build take place?**

BE                      We could build on the same site but to one side with a mobile structure to allow lessons to continue as with our academy in Coventry. During this the health and safety of the students would be most important.

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➤      **What is the timescale for this?**

BE                      2 to 3 years

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➤      **We have read in the press that the scrutiny panel said that we have to accept a new academy or close the school.**

AW                      When a school goes into special measures there is an assumption by the DCSF that the school will close. In this case there aren't the places available to close the school and transfer the existing pupils. Therefore closing the school is not an option and therefore the options left are to establish a new academy.

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➤      **Can you give me your word that the school will not close if the academy does not proceed?**

AW No. but we don't have sufficient places in the area to accommodate pupils if Darlaston closed. The other option is to fresh start and re open the school in the same building.

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➤ **Members of staff are in a number of unions, would these be honoured within the new academy?**

BE Yes there is a national right to belong to a union.

**We are appalled that Walsall Council has failed this school and placed the burden on the Grace Academy**

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➤ **Can you guarantee that you will not change the admissions policy?**

BE We will stay as part of the local authority's admissions arrangements. We can select 10% towards our specialist places but we would only do that if all the other schools in the area did the same.

SC Academies fall under the same rules as other state schools and if we wanted to change the admissions policy we would have to undergo a consultation process.

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➤ **The DVD said that facilities would be made available for the community**

BE The current facilities are pretty poor and we would petition for extra space to allow more room for additional facilities

SC We are talking to the council to discuss the playing fields and the security issues.

BE We will put the new building to one side and to accommodate the facilities we may have to build upwards.

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➤ **How can the new academy be a focal point for the community and regeneration?**

BE In Solihull people have started moving into the area to get near to the school, and we cannot speak for regeneration as that is a council issue.

KW Do you want an additional meeting?

**Yes**

KW We will organise one tomorrow.

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➤ **If the proposed academy went ahead, what would it be called?**

DW            If the proposed academy went ahead it would be Grace Academy Darlaston

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➤ **Are you involved with 2 academies up north in association with Reg Vardy?**

BE            No

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KW closed the meeting and thanked everyone for attending.

# Consultation Meeting Notes

<b>Location:</b>	Darlaston Community Science College
<b>Meeting with:</b>	Parents and Community
<b>Date:</b>	25 September 2008
<b>Time:</b>	7 pm

## PRESENT:

<b>Walsall Children's Services - Serco</b>	<b>Darlaston Community Science College</b>	<b>Others</b>
Avril Walton – AW	82 Parents	Bob Edmiston – Grace Academies – BE
Susan Lupton – SL	Bruce George - MP	Tracie Edmiston – Grace Academies – TE
Kate Mann – KM		David Wooton – Executive Head Teacher Grace Academies – DW
Tom Williams – TW		Steve Chase – Grace Academies - SC
		Rachael Edwards – Grace Academy – RE

KW opened the meeting and introduced the proposal; AW outlined the Walsall Children's Services – Serco proposal to close the school and the consultation process. BE gave an outline of the Grace Academy proposal and DW gave the Grace Academies presentation.

## Questions, Comments and Responses

- **I have had 4 children attend Darlaston over the last 18 years and they have all achieved 5 GCSEs A\*-C. I would like to thank the staff and think the school deserves a new building. We have been asking Walsall Council to fund this for 18 years and we feel sad that this can't be done without the private sector.**  
**Will all current pupils including those with behaviour problems be allowed a place? Would children with behaviour problems be allowed a place?**

BE                      All children currently at Darlaston would be allowed to attend the new Grace Academy.

DW Grace Academy would allow all students to transfer across and we would not send children with behaviour problems elsewhere. We have lots of ways to assist and support students with behaviour issues.

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➤ **How much support would be given to pupils with behaviour problems?**

DW At Solihull we provide tremendous support made up of all sorts of help.

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- **Bruce George MP - Walsall has been in a transition phase and has seen the issue of good and poor results. Serco was bought in to manage the education provision in the borough and has shown steady improvement. I believe Serco can improve standards in this school. The slick presentation tonight is reminiscent of a timeshare scheme with a religious twist. I don't believe that a multi cultural society will gain anything from a school with strong Christian values. Help is also at hand for this school like BSF which will provide the money to build 5 new schools. For me the 1<sup>st</sup> two in line are Joseph Leckie and Darlaston. A new building would be useful and you have a good head although some staff may need retraining. Why doesn't Serco do more and provide more resources for Darlaston? Surely this school could achieve great improvements in standards without going down the academy route? Results in the school aren't good but it does not mean that the students are bad. So I urge you to give this consultation a great deal of thought before you make your decision.**

BE This school is currently in special measures and the results went down after a year of being in special measures. The choice today is for a Grace Academy or not. The Academy program is a government initiative and national results show improvement in those schools. Can this school wait for a possible alternative that is not on the table yet? We have waited a year and don't want to allow another class to go through this school. We want to do this for the local community and have no wish to be involved in a political debate. We will accept the outcome of the consultation as we are making an offer not forcing ourselves on the community.

Aw Walsall has been accepted onto wave 6 of BSF. This will provide the funding for 5 projects. Of these 5 projects, 2 will be rebuilds, and 3 will be refurbishments. The money to rebuild this school as an academy would be in addition to the money for BSF.

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➤ **How long have we got to wait for Serco to act?**

AW                      No one is happy with the standards in this school. We have put in lots of support to the school; the government have put in support as have Black Country Challenge but the necessary improvement is not taking place. The academy option represents a new approach.

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➤ **I have 1 child currently attending Darlaston and 1 who may attend. What does a business and enterprise specialism bring to the school that other schools don't? If we are part of the Grace Academies is it not part of a religious practice?**

BE                      Christian values are different to a faith school and we will teach to the national curriculum. The business and enterprise specialism will help students get used to the world of work and will allow the other academies to help each other with shared practices. The Head at our Solihull school is a Sikh and the Head in Coventry has no faith. We aim to teach the national curriculum in school including the theory of evolution. We invite the parents here to visit our other academies where the students receive an education not indoctrination.

DW                      All Grace Academies currently have business and enterprise specialisations and as Darlaston is currently a science college we were looking at having dual status to make Darlaston unique.

BE                      If this went ahead we would have 3 academies linked by the M6. The close proximity allows expert practitioners to be used in all 3 schools. This could allow transference of best practice and in the future it may even be possible to have televised lectures in all three locations.

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➤ **Local Head Teacher – What about the governing body of the academy? If there was 1 staff governor and 1 parent governor would the rest be made up of members of the Grace foundation.**

**You also claim that you want to get local industry involved with the school but how can you achieve this when there is no industry list? How do you plan to interact with the local primary schools?**

BE                      We plan to have a consulting body in addition to a small governing body. As a business man I have lots of contacts in the local area. In Coventry we have links with Tesco and in Solihull links with Jaguar and the airport. We also sent a senior teacher to visit HBOS to learn about working practices. We also have links with BA who provided help for our trip to Africa and provided a course teaching the students what it is like to be a member of the

flight crew. We would also have one governor whose role is specifically to establish links with local industry.

DW If we are to be successful in secondary education we need to become involved with primary schools. The primary to secondary transition is very important and we know of the dip in achievement that can occur during that change. We aim to deliver the year 7 curriculum in a similar way to in primary curriculum. We also have lots of other ideas such as Y6 transferring to the academy once they have completed their SATs.

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➤ **My child is in year 10 will their options be affected by the change?**

DW We would guarantee continuity of studies but push their curriculum as far as possible.

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➤ **Where would the children go during the building project?**

DW We hope to build on the current site and would discuss with the architect how to make sure the site was safe and reduce disruption to teaching and learning. We may have to use mobile classrooms during the building. We plan to build the new building then demolish the old building and turn the land into playing fields

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➤ **You said that you need 27 acres for a new school would that mean we lose our park?**

DW No the school can exist on a smaller plot.  
BE The decision would be up to the council as we may have to locate sports facilities on another site but we want to make sure we get the best site with the most space.

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➤ **What are the other options instead of a Grace Academy? What will the curriculum be in addition to the national curriculum? If the school proves to be very popular how will you select you pupils?**

DW We will not be changing the admissions arrangements and we can't offer much more of a curriculum now but in the new building we will be able to offer more with our new facilities and we plan to be more involved with the community.

BE In Solihull part of the community courses we provide are marriage counselling, debt management, and drugs counselling we also

make the sports facilities available to the community. The students also proposed the idea to open u at Christmas to provide a lunch for the elderly with the children waiting tables. There are lots of extra curricular activities that can be set up in conjunction with the community.

AW The option we are discussing now is the possibility of a Grace Academy but if it doesn't go ahead then there will be other options.

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➤ **Parent of Y11 student- What assurances do we have that there will be no disruption to teaching?**

AW There will be no disruption as the staff who are present now will continue until the end of the year before being offered TUPE transfer. There are always changes in schools and the staff and Serco are committed to helping the students

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➤ **I feel that this is a one day auction as Serco haven't helped the school one bit since the school went into special measures.**

AW The children of this school have been failed by the school, by Serco, the council, governors and staff and we need to ensure this stops now.

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➤ **The governing body will not be accused of failing the school.**

One governor resigned and left the meeting

**How is it that the money is available for the school once the possibility of an academy is on the table?**

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➤ **I object to the date and time of the consultation meetings during Ramadan as many Muslims cannot attend as they are ending their fast.**

KW We accept that and we have arranged an additional meeting on 6 October.

**Serco could have started work before now and not waited for Grace Academy.**

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➤ **My daughter started school three weeks ago what assurances do you have that this will go forward?**

- DW            Hopefully the process will go forward and when we get the new building we will be able to bring more to the table and provide more educational opportunities.
- BE            The school is not working at the moment and something has to be done to ensure a better outcome for the young people of Darlaston.
- 

➤ **I have been disgusted with this school in the past, as when my son came to the school there were behaviour issues but now it is better. I object to Serco telling us that the governors are failing the school and I object that Serco is a business that provides us with 1 option that brings them more money.**

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➤ **What will happen to the existing staff?**

- BE            They have TUPE rights of transfer. Past experience shows that most chose to transfer.
- 

➤ **What caused the difference in the increase in exam results at the other schools?**

- BE            Hard work within the schools and a committed motivated and well trained staff. We have established a link with Warwick University to bring in motivated newly qualified teachers and specialist graduates to teach for a year and using staff across academies to share expertise.
- DW            There was also a different structure, different approaches to work, lots of training, and new leadership structures to unlock the potential of both staff and students.
- 

➤ **Does the Head Teacher transfer as well?**

- DW            In the transfer to an academy we would have to advertise the post as a legal requirement. In Coventry we appointed the old Head.
-

➤ **What happens if you fail?**

DW                      In the same way that any other school is accountable for their performance the same rules would apply.

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➤ **If you fail will you back out?**

DW                      If we are committed then we aim to see it out and we realise that it will not be easy. If we fail then the government will step in.

BE                      Would you want us to keep a teacher who is failing the students? The children are the priority and the school should be a benefit to the children and the community.

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➤ **In the DVD a parent of a child at the Solihull school said her son was struggling but they are now doing well but you also kept staff from the old school.**

DW                      Yes we gave them lots of intense training that was tailored to the individual.

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➤ **If you have lots of newly qualified teachers they won't have much experience.**

DW                      We will give them lots of intense training and we still want experienced staff who know the community.

**How can you do that but not Serco?**

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➤ **I think this school is a sinking ship, although the head has done a good job and the school is making improvements slowly. It is so late in the day for consultation. Why is the end of the consultation period set as the same time as the deadline for preference forms?**

EB                      Grace Academy is following the timeline set by the council.

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- **Student - I am in Y10 at the moment and have a supply teacher for one of my lessons. If we had a new school would I have to stay with the current supply teacher?**

DW                      I can't speak for the head teacher but we would want the best resources for the students

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KW closed the meeting and urged attendees to make a consultation response and to attend the meeting on 6 October.

# Consultation Meeting Notes

<b>Location:</b>	Darlaston Community Science College
<b>Meeting with:</b>	Community
<b>Date:</b>	6 October 2008
<b>Time:</b>	7.15 pm

## PRESENT:

<b>Walsall Children's Services - Serco</b>	<b>Darlaston Community Science College</b>	<b>Others</b>
Avril Walton – AW	79 Members of the community	David Wooton – Executive Head Teacher Grace Academies – DW
Keith Warburton - KW	Head Teacher – Darlaston Community Science College	Steve Chase – Grace Academies - SC
Kate Mann – KM	Head Teacher – Salisbury Primary	Rachael Edwards – Grace Academy – RE
Tom Williams – TW	Head Teacher – King's Hill Primary	Members of the local press

KW opened the meeting and introduced the proposal; AW outlined the Walsall Children's Services – Serco proposal to close the school and the consultation process. SC gave an outline of the Grace Academy proposal and DW gave the Grace Academies presentation.

## Questions, Comments and Responses

- **Express and Star – Mr Edmiston is known for his belief in creationism and creative design will this be included in the curriculum?**

DW                      It would feature in the curriculum as in every school. Creationism would be taught as part of the RE syllabus and the theory of evolution or Darwinism would be taught in science lessons.

- 
- **It seems as though Darlaston Community Science College has failed the children. We want to know why is Darlaston failing and how will Grace Academy turn things around?**

- DW                      Unfortunately I cannot comment on why the existing school is failing. To turn things around we would look to change the way the school is organised, the methods of teaching and the construct of the curriculum. There is also a difference in the way that we are funded allowing us to put more resources into the development of staff and we try to engender a culture of self belief and aspiration amongst the students.
- AW                      It is hard to answer why the school is failing. Ofsted inspected the school in the autumn term last year and found some aspects of the school wanting and others to be quite good. If you want to know how the school is failing the report is available online.
- 

- **Parent Governor - I'm concerned about the way this proposal is put forward as if it has already been decided and this consultation is just a formality. I also have concerns about your admissions policy, how do you expect to raise standards from children with very low achievement already?**  
**You say you're being funded by central government, you're taking our park and with new buildings it feels like a private enterprise rather than something for the community, who are you accountable to?**

- DW                      The funding does come from central government and as a result we are accountable to central government. BSF funding is also available in the Walsall area and that will be shared out amongst secondary schools in Walsall.  
Presently Darlaston has no playing fields and they currently have to use part of the park but it is not safe and we want the school and the community to have the best facilities.
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- **If you're only responsible to central government, what about the local community?**

- DW                      We hope to be a part of the community and will attend local head teacher's meetings. We are also accountable in the same way as any other school though league tables and Ofsted but directly to central government.
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**I object to you stopping discussion by not allowing follow up questions and blocking debate.**

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- **What if you fail?**

DW                      The DCSF would then step in as in any other school.

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- **What happens to Grace Academy and your organisation if you fail? You have produced some impressive figures tonight but it is only for 2 years worth of results, education runs in a 5 year cycle and anyone can make up something to look good over 2 years.**

SC                      We can't give you 5 years of results as our academies have only been open for 2 years.

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- **Is your other academy in a deprived area?**

SC                      It is in a very deprived area, but the school has shown steady improvement from 22% to 34% then 47% last year, and next year we're hoping that 50-60% of the children will achieve 5A\* to C.

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- **Another private school in the area guarantees 70%?**

DW                      That school would not admit children in the same way as an academy that is open to the community.

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- **What if I am an atheist? What if I object to your values and standards?**

SC                      We take people of any faith or no faith into the school or on the staff. We have Christian values such as respect, honesty and forgiveness as in any other school.  
The school will also allow you to object to the values and standards.

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- **If you are not accountable to the Local Authority what guarantees do we have that you will not change the admissions criteria?**

SC                      We are committed to the same admissions criteria as Walsall Council. To change the admissions criteria we would have to go through a consultation process and it would finally require the signature of the secretary of state, so we can't change things over night. We will not select or become a faith school but and we will apply the common application form for Walsall.

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- **There is a good majority of people who do not want this academy, but it feels like it is being forced upon us.**

SC                      Then please make your views known by filling in the consultation responses and there are people here taking notes of your comments. It will then be up to the council to make the decision.

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- **Why is Darlaston Community Science College failing? Serco has a contract for hundreds of millions of pounds to improve education, what is Serco doing for Darlaston?  
If academies are the way forward then why aren't all Walsall schools academies?  
We are not being given any alternatives what is the choice?**

AW                      The Serco contract in Walsall is a matter of public knowledge and it is not hundreds of millions of pounds. We have been providing education in Walsall for 7 years and results have gone up dramatically. This is in part due to Serco but it is also due to the work in schools with the support of Serco. This has not worked in Darlaston and the school is now in special measures. As a result of being in special measures the DCSF have given us 2 options to shut the school or become an academy.  
For the capital investment this has improved over the last 10 years but there has never been the money to rebuild a secondary school. To rebuild a secondary school costs approximately £30 million and authorities such as Walsall have never had the money.

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- **What about St Thomas More, that was rebuilt?**

AW                      That was a school that used a PFI and as a Roman Catholic school had money from other sources. As part of BSF there will be 5 major projects within Walsall including 2 rebuilds and 3 refurbishments. The money for the Darlaston Academy would be in addition to this money

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- **At the last meeting with the governors we asked for another meeting. When could that be if the deadline is Friday?**

AW                      The meetings were booked in advance to be included in the consultation document. If you require an additional meeting please contact me and we will try to arrange it, although it needs to happen before Friday.

- 
- **Governor at Darlaston - There are concerns in the community about the timescale of the consultation. Governors received a letter last Wednesday asking who else should be consulted. At scrutiny the cabinet were allegedly told that the choice was an academy or closure. We want a choice of sponsor and to know how governors will be selected. In the DVD it said that parents voted with their feet but will parents have their say about the academy? Where are the Cabinet members tonight?**
- 

- **Vice Chair of Union of Muslims – The Muslim community are against the idea of an academy with an evangelical sponsor. Would our children be able to opt out of RE?  
If the majority of parents don't like the proposal will it still go ahead?**

DW                      At Grace Academy we teach the same RE syllabus as at any other Walsall school. We have almost the same level of diversity at our Coventry Academy where the Head Teacher is a practising Sikh.

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- **You say that the current school doesn't have your values and standards, can this not be achieved by the school at the moment?**

DW                      I can't comment on the school at the moment, but can only say what we can do.

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- **Why are the press being stopped from taking photos?**

AW                      There are policies within schools that do not allow photos to be taken of children at school and there are children present here tonight.

**Parents commented that they gave their permission.**

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- **The points being made by the Grace Academy is that they have money and the current school does not have money. Is that an implication of why the school is failing?**

DW                      That is not the only issue as the current school has had difficulties for some time.

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- **Teacher at St Thomas More – I came here tonight to find out about the new school and whether I can put Darlaston as a preference or not. I am a Northern Irish Protestant and teach at a Catholic School and nothing I have heard tonight has convinced me to put Darlaston down on the preference form. It is not about the building. The staff and Governors there have done a good job and need help and support. Some children at the current school have not had a specialist teacher in over 4 weeks. What s Grace Academy going to do for the children at that School?**

DW                      As we said in the presentation we will provide a fresh start, new ways of learning and a new curriculum. We don't want to criticise the current school.

**I think the Grace Academy is a good idea but feel like we've been railroaded.**

- 
- **Parent and Representative of local Mosques – I have sent an email to 10 people at the council and have a petition against the academy. Year 5 parents have not been consulted. Where are the members of the Cabinet? Only Serco are here tonight on their behalf as partner for education. Our questions have not been answered clearly and the consultation has not been done widely. This is a failure of Walsall Council and Serco they have failed the community. We want another meeting here with the cabinet before they make their decision behind closed doors.**

- 
- **Parent and Governor – We have seen the Ofsted report but since then we have a new Head Teacher and a change in teaching and new staff. The school is improving and we are trying to make things happen. The governors are making things happen by giving up their own time. We feel like the council has already made its decision to spend BSF money on other schools now that the academy offer is on the table. We have been forgotten and now we have the money from the Government we should be 1<sup>st</sup> on the list for a new school.**

SC                      With regards to the funding issue, the funding for BSF will have to go through a PFI in conjunction with the LA. We will get the school build sooner.

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- **Why don't we just wait for a new school?**

SC                      It is only just deferring hope for future funding.

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- **Exactly, my child is in school at the moment and I don't want them to have to wait for a new school**

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- **Head at Salisbury Primary – I was concerned that as a primary head we had received no contact so I made contact, with concerns for the children's view of the academy. Today I visited the Grace Academy in Chelmsley Wood and spoke to the head for 10 mins then to the children for 2hrs about their experiences. Everything I heard was very positive. I asked about their Christian values and they are no different to those of any school in Darlaston with values of honesty, respect, tolerance and forgiveness. Having spoken to the children it appears that the sponsor's approach is similar to that of Zakat and he does not have a "hands on" roll. The children of Chelmsley Wood live in an area that used to have the highest incidence of crime in the West Midlands and they now speak with pride in their school and their community. Serco and Walsall Council's part in this has not been a positive one but we now have an opportunity for our children. Other primary Head Teachers in the area are satisfied that this is good for the children, maybe although not for the staff or the governors. I don't agree with the haste of this consultation but if it is the only offer on the table.**

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- **Can Grace clarify details about the new building? Will it be refurbished by September 2009?**

SC	If the proposal goes ahead we will open in September 2009 with new branding and some cosmetic changes but we plan to have a new building by 2011.
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- **Walsall Council have let the school down and want to wash their hands of it. How will you improve standards in a failing school?**

DW	We would restructure, introduce new practices, we would build on the head's work introduce more training and recruit new staff if old staff leave.
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- **Would you make people redundant?**

DW	They would have the right to TUPE transfer.
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➤ **Would you replace the Head? Who would appoint them?**

DW            We would have to advertise the Head's post and the governing body would appoint.

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➤ **Is it true that you will have only 1 parent governor?**

DW            We have a small governing body that can act quickly that will hold up to 17 members including members if the local community and commerce. But in addition to that we have a parents' forum that advise the governing body.

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- **We have been told by Grace Academy that all staff will be made redundant including the Head Teacher and all staff have to reapply. And now you have only just mentioned a parent's forum with a panel of 17 governors with only 1 parent. The school won't be ready until 2011 and how much disruption will this cause to the curriculum?**

Another Parent – it's the teaching that matters not the building

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➤ **You have said there will be a curriculum change, what will the new curriculum include?**

DW            It says in the consultation document we will change the curriculum to personalise it to the children's needs. We intend to add new study skills, accelerated curriculum for some children and extra languages. There will also be new subjects such as business and enterprise, values and standards and citizenship.

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➤ **Lots of figures have been given out that suggest that improvement only comes with money. The personalised curriculum is not useful for children who intend to go in to university where there will be no individual learning pathways.**

DW            We'd have to disagree over the different curriculum at university.  
SC            We are funded differently to other schools and this allows us to choose where to focus the budget and tailor spending to where it is needed most.

---

- **There had been insufficient time to consult, this is appalling**
- 

- **When will the next meetings be and where?**

AW                      Let us know and we can arrange to be there.

---

- **The consultation ends Friday and there are additional meetings required.**

SC                      Speak with AW to arrange a meeting  
KW                      We can't arrange dates now as we don't have everyone's diary.

---

- **Can't you push the Cabinet meeting back?**

KW                      We will take that request back to the Cabinet.

---

- **Can you not extend the consultation to get the Cabinet here?**

KW                      We will take that request back to the Cabinet.

---

- **Public consultation is not consultation in this case.**
- 

- **2hrs in 5 weeks is not good enough. What about letting us express our views? What have you been doing for 5 weeks?**
- 

- **Ask Cllr Zahid Ali and the cabinet to be present at the next meeting**
- 

KW thanked everyone for attending and closed the meeting.

### Views of Persons Consulted

Consultation meetings at which representatives from Walsall Children's Services – Serco and the Grace Foundation (sponsor for the proposed academy) were present were held on 25 September 2008 with the School Council, parents (and the wider community), staff and governors. In addition, a further meeting for parents and the wider community was held on 6 October 2008. Attendance at the various meetings on 25 September comprised 60 students, 82 parents (and wider community), 65 staff and 12 governors; the meeting on 6 October was attended by 79 parents (and wider community).

The meetings took the form of a presentation by Walsall Children's Services – Serco, and an outline of the work of the Grace Foundation and details of the proposed academy were given by the sponsor. This was followed by a question and answer session.

Matters raised by attendees included:

- the consultation process
- staff training
- timescales
- TUPE
- arrangements for students with special educational needs
- community use of facilities
- pension arrangements
- terms and conditions for staff
- admission policy
- RE curriculum
- accountability of the Academy
- current Grace Academies
- Walsall Children's Services – Serco's role
- governance arrangements
- the curriculum in the proposed Academy.

The views given at these meetings are provided in Appendix B where the questions raised and observations made are detailed together with the responses given. Although a level of opposition to the proposal was voiced at the meetings this was by a small number of individuals who attended all of the meetings and was not necessarily representative of all attendees.

Approximately 1,600 copies of the consultation document, which included a response form, were issued and the document was also available on the Education Walsall website. The consultation document included detailed information about the proposed academy; this section was produced by the Grace Foundation, the potential sponsor for the proposed academy.

A total of 62 consultation response forms were returned; 41 supported the proposal, 17 were against the proposal and four responded as 'don't know'. Analysis by category of respondent is provided in the table below. The majority of comments were generally supportive of the proposal.

Category of respondent	Support the Academy	Against the Academy	Don't know	Total
Parent of a child at Darlaston Community Science College	21	4	3	28
Parent of a child at Darlaston Community Science College and a local primary school	8	1	0	9
Parent of a child at a local primary school	0	3	1	4
Parent and governor	0	2	0	2
Governor	1	1	0	2
Pupil	2	0	0	2
Staff	4	0	0	4
Others	5	6	0	11
<b>Totals</b>	<b>41</b>	<b>17</b>	<b>4</b>	<b>62</b>

Written responses were also received from:

- a pupil who states that she speaks on behalf of the Darlaston's student council and notes "Following the meeting with the student council and the Grace foundation I strongly agree that the academy is the right way for Darlaston" and "Students of Darlaston agree that the grace academy is possibly the best way of bringing the standards up, and surely that is what really matters."
- A representative from the NUT who notes 'By their nature they will become divisive and have more interest in cooperating with their two other academies in Coventry and Solihull rather than neighbouring secondary schools. I have undertaken a ballot of teaching staff at an open meeting. Twenty four staff returned ballot papers. Three were in favour of becoming an academy. Eighteen were against. Three were Don't Knows. I am informed that a further seven ballot papers were completed with five against and a further two don't Know'.
- A representative from the Muslim Welfare Society (Darlaston and Wednesbury) who states in a letter dated 6 October 2008 addressed to Mr Sheehan, Chief Executive of Walsall MBC, "I have been asked to write to you on behalf of the mosques and my local community, in order to express a few of our concerns regarding the manner in which this consultation is being conducted. The actual face to face consultation was to be held on 25 September 2008. The whole of the parent and community consultation being a total of one and a half hours long. Only after our insistence was a second public consultation offered. This second consultation being held at Salisbury Primary School on 6 October 2008." He then lists his detailed concerns.
- A petition containing approximately 191 signatures against the proposal together with a letter from the Muslim Welfare Society was delivered to the Council on 10 October 2008 by the Chair of Governors of Darlaston Community.
- A local vicar and Chair of Governors at a local primary school wrote stating: "I share the concerns about 1. The lack of local accountability, and the principles under which Academies operate. 2. The patchy record of Academies ie those have been running longer than Grace Foundation have been managing them. 3. The fact that their success – if it is – may be built on the back of other local schools which have to absorb the more difficult students...despite these reservations, I am sympathetic to any plan to give our local youngsters a better education and change in life. If it has to be by an Academy, then so be it".

All parents, staff, members of the student council and governors were sent an invitation to the consultation meetings together with the consultation document. In view of this and the coverage in the local media, there was a very high level of awareness of these meetings. In this context, the relatively low attendance at the consultation meetings and the small number of consultation responses received is generally viewed as indicative of support for school organisation proposals. In the past where proposals have been unpopular, attendance at consultation meetings has been very high and a large number of consultation responses were received.

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**PROPOSALS TO REPLACE  
DARLASTON COMMUNITY SCIENCE COLLEGE  
WITH AN ACADEMY SPONSORED BY GRACE FOUNDATION  
from 1st September 2009**

**CONSULTATION DOCUMENT**

**These proposals are linked  
and this is a consultation on both proposals**

September 2008



**Proposals to replace  
Darlaston Community Science College  
with an Academy sponsored by Grace Foundation  
from 1<sup>st</sup> September 2009**

## **Section One**

### **Introduction**

This is a public consultation on two proposals, firstly to discontinue Darlaston Community Science College from 31 August 2009. Secondly to consider the proposal from Walsall Council and Grace Foundation (in an Expression of Interest approved by the Secretary of State at the Department of Children, Schools and Families) to open an Academy to replace Darlaston Community Science College from 1 September 2009. These two proposals are linked and so will run in parallel.

The consultation period will last until 10th October 2008. No decisions will be taken by Walsall Council until 22nd October 2008, following full consideration of consultation responses. There will be consultation events as follows:

<b>School</b>	<b>Date</b>	<b>Students</b>	<b>Staff</b>	<b>Governors</b>	<b>Parents and the wider community</b>
Darlaston Community Science College	Thursday 25 September 2008	1.35 – 2.40pm	3.00 – 4.30pm	6.00 – 7.00pm	7.00 – 8.30pm

You are strongly encouraged to attend these events in order to help you decide on your responses to the questions on the Consultation Response Form at the end of this document.

This document has been produced jointly by Walsall Children's Services and the proposed sponsor for the Academy, Grace Foundation. Section 2 of this document has been produced by Grace Foundation and is designed to summarise the Sponsor's Vision for the proposed Academy at Darlaston.

### **Darlaston Community Science College**

Darlaston Community Science College provides secondary education for pupils between the ages of 11 and 18 years; the school has specialist status for science. In November 2007, there were 1053 pupils on roll; 106 of these pupils were in the sixth form. The number of Year 7 pupils admitted to Darlaston Community Science College each year is 245. The College was placed in special measures as a result of an inspection by Ofsted which took place in November 2007. With regard to the overall effectiveness of the school it was judged that the school was "failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvements". As a result of monitoring visit carried out by Ofsted in May 2008, it was judged that progress since being subject to special measures was inadequate.

## **What are the proposals?**

The first proposal is to discontinue Darlaston Community Science College from 31 August 2009. This discontinuation date would be necessary if an Academy were to be opened in the buildings currently occupied by Darlaston Community Science College, whilst a building programme for the proposed academy were completed. The second proposal is to open an Academy sponsored by Grace Foundation from 1<sup>st</sup> September 2009.

## **Why is it proposed that Darlaston Community Science College becomes an Academy?**

The government is encouraging a greater diversity of school types and as part of this is promoting different types of schools, including the creation of academies. Academies are a key part of Government policy for the improvement of secondary education. This is part of an overall strategy for Children's Services and Education within Walsall. Walsall Council (the Local Authority) and the governors of Darlaston Community Science College have been exploring the possibility of the school becoming an Academy and Grace Foundation has come forward as the sponsor. The government's Office of the Schools Commission introduced the sponsor to Walsall Local Authority. The sponsor visited the school and has met with senior politicians and officers. Walsall Council supported the submission of a formal 'Expression of Interest' in order to allow a formal feasibility study to be undertaken. Officials from the Department for Children, Schools and Families have confirmed that the Expression of Interest has been approved by ministers to enter the feasibility stage and as part of this there is consultation on the proposal to discontinue Darlaston Community Science College and to open an Academy. The feasibility stage will continue until a decision has been made regarding the continuation of Darlaston Community Science College and the funding agreement for the proposed Academy has been signed.

## **How would this affect pupils at Darlaston Community Science College?**

Grace Foundation, sponsor for the proposed Academy, has confirmed that all pupils on roll at Darlaston Community Science College on 31 August 2009 would be offered a place at the proposed Academy. This would include pupils who have been offered a Year 7 place at Darlaston Community Science College from September 2009.

All pupils would continue to be educated on the Darlaston Community Science College site.

## **How would this affect staff at Darlaston Community Science College?**

All staff employed at Darlaston Community Science College would be covered by the Transfer of Undertakings Protection of Employment (TUPE) Regulations.

## **How would this affect the governing body at Darlaston Community Science College?**

If it is decided to discontinue Darlaston Community Science College, the remit of the existing governing body would end on 31 August 2009. However, the school community would continue to be represented on the governing body of the proposed Academy which would include one governor elected by parents; in addition, one governor would be appointed by the local authority. The majority of the governors would be appointed by the sponsor Grace Foundation and would include representatives from business and the local community.

## What would the proposed Academy be like?

Please see Section 2 for further details on the proposed Academy, which has been prepared by the proposed sponsor, Grace Foundation.

The following table compares key aspects of how a Community School and an Academy operates:

<b><u>Feature</u></b>	<b><u>As a community school</u></b>	<b><u>As an Academy</u></b>
Governance	Mix of LA, parents and co-opted governors	Mix of Sponsor, Foundation and co-opted governors plus LA and parent governors and DCSF representation.
Funding	Directly from Walsall Metropolitan Borough	Directly from the DCSF equivalent to the level of funding provided for other Walsall schools
Admissions	Follows Walsall Metropolitan Borough admissions policy	The Academy determines admissions policy and intends to follow Walsall Metropolitan Borough admissions policy
Behaviour	Part of a borough wide cooperative managed move system	The Academy intends to participate in the borough wide cooperative managed move system
Curriculum	Follow national curriculum	Follow national curriculum in English, maths, science and ICT

## Would the Council fund the proposed Academy?

No, the running costs for academies are provided by the Department for Children, Schools and Families are equivalent with the funding for maintained schools in the local authority where the Academy is based.

## What would happen to the buildings and site?

The existing buildings and site would continue to be used and the Council's interest would be protected through leases and licences. The Department for Children, Schools and Families (DCSF) is considering what buildings and site improvements are required in order to meet the needs of the proposed Academy, and has indicated that if the proposals are approved to move into implementation, DCSF would provide funding for a building programme for the proposed academy, which would be procured through the Partnerships for Schools (PfS) National Academies Framework.

How can I make my views known?

As noted above, consultation meetings will be held for parents and the wider community, staff, governors and the Student Council at Darlaston Community Science College. In recognition of the wide interest in this proposal, a consultation meeting will also be held for the wider community. Details of all these meetings are provided below.

<b>School</b>	<b>Date</b>	<b>Students</b>	<b>Staff</b>	<b>Governors</b>	<b>Parents and the wider community</b>
Darlaston Community Science College	Thursday 25 September 2008	1.00 – 2.00pm	3.00 – 4.30pm	5.00 – 6.00pm	7.00 – 8.30pm

In order to provide information on all aspects of the proposed changes at Darlaston Community Science College, there will be parallel consultation on the proposals to discontinue Darlaston Community Science College and to open an Academy. Representatives of the Grace Foundation, the sponsor will be at these meetings as well as representatives from Walsall Children's Services.

Although it may not be possible for everyone to attend these meetings, the attached consultation response form provides an opportunity to comment on the proposal.

Please do complete the consultation response form. We do want to hear your views. Unfortunately it will not be possible to send individual replies to consultation responses; however, issues raised will be included in a report on the outcome of consultation which will be considered by Walsall Council (Cabinet).

All responses should be received by 10 October 2008. A report on the response to the consultation will be considered by Walsall Council (Cabinet) on 22 October 2008.

### **What happens next?**

The timetable below is provisional and is dependent upon decisions at each stage; however, every effort will be made to keep to it.

5 September 2008	Consultation starts
10 October 2008	Consultation ends
22 October 2008	Walsall Council (Cabinet) considers response to consultation and decides whether to proceed with the proposal
7 November 2008	Statutory notice published, 6 weeks representation period
January 2009	Consideration of proposal by Walsall Cabinet and final decision taken
January 2009	Notification of decision to pupils, parents, staff and governors at the schools

### **Where can I get more information?**

More information is available from:

Avril Walton  
Assistant Managing Director – Management and Development  
01922 686283  
[avril.walton@walsallcs.serco.com](mailto:avril.walton@walsallcs.serco.com)

This document is available in large print. Please contact:

Tom Williams  
Tel 01922 686354  
[thomas-williams@walsallcs.serco.com](mailto:thomas-williams@walsallcs.serco.com)

## **Section Two**

### **The Grace Academy - Darlaston Proposal**

This section of the document has been produced by Grace Foundation, the potential Sponsor for the Academy.

#### **Background**

Grace Foundation in cooperation with Walsall Council is proposing to sponsor the new Academy school under the Government's "Academies" initiative.

Sponsorship arrangements would be via Grace Foundation, an educational charity set-up and funded by Mr. Robert Edmiston, Chairman of IM Group based in the West Midlands. Mr. Edmiston, a wealthy businessman is involved in worldwide charitable work and his involvement in this project is to benefit the community of Darlaston, an area of Walsall which has faced particular challenges over many years.

The proposed Darlaston Academy would be the third Academy sponsored by Grace Foundation. The first, Grace Academy Solihull, opened in September 2006 as a key part of the local regeneration programme. The Academy has brought about a transformation in educational outcomes and standards for students, had a significant positive impact on the community of Chelmsley Wood in north Solihull and is extremely popular with parents in the community being hugely oversubscribed for the places available. The Academy has had many successes with improving examination results (GCSE results improved by 13% in 2008), winning major national awards and becoming one of the top 300 Most Improved Specialist Schools in the country. The second, Grace Academy Coventry, opened in existing buildings in the Wood End area of the city in September 2008 with no disruption to student learning and progress and is proving both popular and innovative.

The proposal for an Academy at Darlaston is an exciting opportunity to form a strong and powerful partnership between successful educationalists and proven business leaders to provide a brand new contemporary secondary school in the west of Walsall that would have a positive impact on the education of many young people in the area.

#### **What is the Academy proposal?**

The proposal is to build a new type of school called an Academy to replace the present Darlaston Community Science College.

The school would have 240 students in each year group from years 7 to 11.

To enhance the learning opportunities in the area the Academy would include a new sixth form centre which would admit up to 175 students in each year group.

The Academy would directly serve the community of Darlaston, and have a non selective admissions policy that is consistent with the Walsall Council Co-ordinated Scheme for Admissions.

The Academy would have a Business and Enterprise specialism and is considering options for a second specialism.

Initially the Academy would open in the existing school buildings in September 2009 whilst a building programme, funded by the DCSF and procured through the Partnerships for Schools National Academies Framework, were completed.

The transition would be carefully managed in order to maintain progress and remove uncertainty for students, staff and parents.

### **What is the proposed Timescale?**

The project Feasibility Phase would take between 5 and 7 months to complete. The result of this Feasibility Phase, if successfully approved, would be a Funding Agreement with the Secretary of State for Education which would be expected in early 2009.

The Funding Agreement would be followed by an Implementation Phase with the proposed Academy opening in September 2009 in the existing school buildings and with anticipated completion of the building programme for the proposed academy by Autumn Term 2012, or possibly earlier.

### **How would the proposed Academy be funded?**

#### Capital Funding

If the proposals move forward into implementation, capital funding for a building programme for the proposed academy would be provided by the DCSF. The building programme would be procured through the Partnerships for Schools (PfS) National Framework.

#### Revenue Funding

Revenue funding (the day to day funding of the Academy) equivalent to the level of funding provided for other Walsall schools, would come directly from the DCSF. Additional funding is expected from other grants and through links with business and enterprise as the Academy develops its specialism.

Mr. Edmiston Chairman of IM Group, would Sponsor the Academy through the charity Grace Foundation, the proposed Academy (the third Academy sponsored by Grace Foundation) is considered in agreement with DCSF as a multi-sponsorship arrangement, under a single Academy Trust model which would cover three Grace Academies, Solihull, Coventry and Walsall.

Grace Foundation would use its endeavours to encourage appropriate sponsorship funds to be held as an investment endowment by the Trust. The Academy Trust would be able to then spend the income generated from such funds to counter the impact of deprivation and disadvantage on education and to promote educational improvement work within the communities served by each of the Academies.

## **The Vision for the Proposed Academy at Darlaston**

**Grace Academy – “*your future . . . our commitment*”**

### **What is the Academy Mission?**

#### **Core Principles**

The Academy's vision is founded on the core principle of “students being at the heart of all we do”.

“Our vision is to develop well educated considerate and caring citizens with a strong sense of values, who would succeed in and contribute to modern society”.

#### **What are the main aims of the proposed Academy?**

To transform the educational offer for the students and the community in Darlaston

To raise attainment throughout the Academy and eradicate poor performance at all Key Stages

To improve the quality of teaching and learning

To raise aspirations and significantly increase participation rates at age 16 and beyond

#### **What is the Academy Ethos?**

The Academy would have an ethos underpinned by Christian values and standards, and would welcome students and staff of all faiths or those with none and would teach respect and understanding of other faiths and beliefs.

It would place great emphasis on the support and development of the whole individual through its ethos and in line with the key principles of the Every Child Matters (ECM) agenda.

We would seek to develop in students self worth, a commitment to work and achievement, social responsibility and commitment to the wider community. In line with current legislation there would be a daily act of collective worship that would be wholly or mainly of a Christian nature.

The proposed Academy would create an environment of learning excellence for 11-19 year olds where enterprise would be encouraged with a view to preparing students for life

The Academy ethos and values would act as the foundation for the learning process and underpinning policies, procedures and the manner in which adults and students interact.

Staff would be supportive of the values and standards of the Academy; this would be demonstrated by their dress, care, commitment and conduct.

Students would agree a code of conduct, and would be expected to meet clear standards in terms of dress, attitude, conduct and behaviour.

Intensive support and guidance, including a structured behaviour code would create a positive learning environment which is challenging and caring, with high expectations.

Students, through an innovative curriculum, would develop into enterprising and responsible young people with a determination to succeed. Students would be encouraged to engage in independent learning and to develop their own ideas and opinions.

The Academy would establish best practice to accomplish these goals and would be at the 'cutting edge' of developments in society, technology, teaching, management and leadership practice.

The Academy would provide excellent facilities and would become a focal point for the community and providing significant opportunities for students, parents and other members of the local community to fully utilise the Academy.

The Academy would have a strong and productive partnership with parents, guardians and carers, who in supporting the Academy's aims, would develop positive relationship to achieve the best of every student's potential.

The Academy would, where appropriate, co-operate and partner with other schools and colleges in the area to provide the best possible education and learning opportunities for students, staff and the community of Darlaston.

Effective learning is dependent on the full engagement of students in the learning process The Academy would. Support the development of young people who are at ease with themselves and others, literate, numerate and skilled in ICT, are better able to meet the challenges of a rapidly changing world and ready to make a full and continuing contribution to their community and its economic and social success.

### **What about the proposed Business and Enterprise Specialism?**

The proposed specialism would provide an innovative and creative solution to skills development in the Darlaston area. Business and Enterprise would be taught as a discrete subject area and throughout the whole curriculum. Innovative programmes of Enterprise and Business activities would take place using virtual and real entrepreneurial activities.

The Academy would establish close links with the local business community and include mentoring students, coaching entrepreneurial activities and contributing to the wider curriculum. Students would experience aspects of 'real life' business including work visits, work shadowing, work experience and work related learning as an integral part of curriculum provision in the 14-19 age range.

Further consideration would be given during feasibility to determine a second specialism to sit alongside Business and Enterprise. The predecessor school has a Science specialism and the Academy would consider, in the context of the recent Ofsted inspection and Special Measures and following consultation with local stakeholders if this remains the best option.

### **How the specialism would be evident in the life of the Academy?**



Business and Enterprise, alongside Information and Communications Technology, would enhance an innovative curriculum giving students excellent preparation for life beyond school both in academic and vocational areas. The Academy would develop innovative practice in the delivery of the traditional curriculum subjects. Lessons would focus on the relevance of the subject to issues in business and enterprise.

Experiences in these areas would give the students an excellent understanding of key issues in living and prepare them to participate in and contribute to modern society.

Students would be encouraged in innovative educational and social enterprise projects driven by social conscience and expressed by the formation of international links on a project basis to assist young people in developing countries.

### **How the specialism would be evident in the life of the community the Academy serves?**

The nature of the specialism would be extended into the community it would serve as well as the curriculum.

Working in line with the principles of 'Extended Schools' – a range of services and activities to help meet the needs of its students, their families and the wider community would be developed and may include:

Opportunities for Lifelong Learning

Information Resources and ICT

Sporting Activities

Community Support and Advisory services

Study Support

Extended School facilities e.g. Connexions Centre (or similar)

### **What will the Curriculum of the proposed Academy look like?**

Every student at the Academy would have access to a full National Curriculum entitlement and significant enrichment activities.

#### Key Stage 3

Throughout Key Stage 3 the curriculum provision would be broad and balanced enabling students to move through to Key Stage 4 with a maximum range of options. All students would follow a core curriculum throughout the Academy in English, Maths, Science, Business and Enterprise and ICT which would guarantee standards.

#### Key Stage 4

In Key Stage 4 diversity and choice would run alongside core subjects including Mathematics, English, Science, Information and Communications Technology, Business, Religious Education and Physical Education. The diversity and choice would provide

students with the opportunity to study a range of vocational and academic courses with a Business and Enterprise focus.

#### 14 – 19

Alongside other provision there would be vocational and work related routes available for all 14-19 students.

#### Post 16

At the Post-16 level (which some would enter before 16), the Academy would develop a range of accredited pathways at Levels 1, 2 and 3 including A and A/S level, Diplomas, GCSE's and BTEC's with a wide range of work related learning opportunities and potentially the International Baccalaureate. As part of the provision the Academy would work collegiately with other schools, colleges and training providers.

#### Standards

Standards would be raised through high expectations based on prior attainment, and a personalised learning approach. Targets founded on comprehensive data would be tracked and supportive action taken. A broad and engaging personalised curriculum based on the ethos and specialism of the Academy would be a unique feature of the Academy. Self-evaluation supported by external validation and strengthened by collegiate working with other schools and Academies would chart the way forward.

#### Key Skills

Transformation in the Academy would focus on the core employability skills of Literacy and Numeracy and the ability to utilise ICT. Creating students who are better able to meet the challenges of a changing world and ready to make full contribution to their community

#### ICT

The effective use of ICT would be a unique aspect of the Academies success, within the specialism and as a learning tool through a virtual portal and a learning gateway to facilitate open access all hours learning.

#### Personalised Learning

Personalisation would be a key approach to learning in the Academy and the concept of deep learning would underpin the delivery of learning. This would involve personalised pathways and progress and testing when ready

#### Flexible curriculum

Flexible approaches to delivery would be explored in terms of structuring the year, day and time slots for learning.

#### PSHE

Underpinning the curriculum at all stages would be a weekly programme of personal, social, moral, cultural and health education designed to further understanding and appreciation of values and standards.

#### Health related fitness

It is intended that the Academy should be self sufficient in terms of its sports infrastructure and that this should also add to the general amenities in this part of the Borough where there are few all-weather sports surfaces available.

#### RE curriculum

The R.E. curriculum would be drawn up by the Academy and would have regard to the current Walsall agreed syllabus.

### Gifted and Talented students

Exciting and stimulating provision would be made for both Gifted and Talented students and those with learning difficulties. The Academy would have extensive extra curricular opportunities and also an Effective Learning Centre at the heart of the school in order to ensure that all students have the best opportunity to access the curriculum.

### Special Needs

The principles of Inclusion would underpin all developments in curriculum, teaching and learning within the proposed new Academy. The Academy's policy would fully meet the requirements of the SEN Code of Practice and would seek to bring 'best practice' into the Academy. Close attention would be given to curriculum philosophy, structures and delivery to ensure that these are fully inclusive and their rationale understood by all members of staff.

The Academy would cater for students of all abilities and provide a curriculum model and learning experiences which extend the skills, knowledge and capacity of students, throughout the ability range. Students with learning or behavioural needs together with those students with specific learning difficulties would, wherever possible, have their needs met in a mainstream setting with support but the Academy would also have the facility of targeted withdrawal within its Effective Learning and Student Support Centres.

Individual Learning Plans would guide targeted and personalised intervention in leaning from a diverse variety of Academy staff to include, Teaching Assistants, HLTA's and Special Needs teachers and also through a wide range of external integrated support services providing 'holistic' support for students in line with the ECM agenda.

### Behaviour and Inclusion

The Academy would be an inclusive school and committed to supporting all students through appropriate packages and a clear approach to behaviour management which all students would be expected to follow. All students would transfer to the Academy with a 'clean sheet' and the chance for a fresh start. The Academy would work cooperatively with local behaviour partnerships in attempting to limit the number of exclusions.

### **How the Academy would be different?**

Academies are publicly funded independent schools. Their independent status allows them the flexibility to be innovative and creative in their curriculum, staffing and governance. Academies, therefore, work in different ways to traditional Local Authority schools. The proposed Academy would provide a unique and powerful partnership between professional educationalists and proven business leaders, in order to transform the opportunities for local students. The Academy would be different through it's:

Ethos – emphasis would be placed on the development of the values of students together with the raising standards of students' academic performance.

Curriculum delivery – Innovative curriculum models and approaches would deliver engaged student learning through an individual and personalised approach alongside the provision of high quality teaching, enabling students to develop their own ideas and opinions.

The Academy Day – in order to enhance the exciting opportunities offered to its students and to access its full range of facilities and experiences the Academy would operate an extended week and increase formal learning time to 29 or 30 hours per week.

#### Stage related learning

Students in the Academy would be placed in pathways based on ability and their individual learning styles. Learning would be stage rather than purely age-related. The Academy would address the personalised learning needs of students by a flexible and creative approach to students with special educational needs and those who are gifted and talented. This innovative approach would facilitate new approaches to teaching and learning the curriculum diet for all students would reflect their learning needs

#### Lead Lessons

Lead lessons would be a key concept – which would inspire and engage learners and provide development for staff.

Personalised Learning Programmes – each student would have innovative learning plan and individualised academic, vocational and community focused targets which would be monitored throughout their time at the Academy.

Specialism – in Business and Enterprise This would provide new educational opportunities featuring innovative approaches to education and development for both students and members of the community.

Facilities – would be focused on new ways of teaching and learning and the needs of the local community.

Independence – would allow innovation but its commitment to work within the Walsall Local Authority arrangements would provide security and support.

Sixth Form provision – would provide enhanced learning opportunities for local students.

### **How will the proposed Academy be Governed and Accountable?**

The Academy would be an independent charitable company. There would be a Local Governing Body, which would include Sponsor and Foundation Governors, a representative Governor from Walsall Council, an elected Parent Governor and Co-opted Governors from business and the community, plus DCSF observers.

The Academy would be accountable in ways common to all schools under the Education Act. The Academy would be subject to Ofsted Inspection and would participate in SAT's tests and other external examinations.

The Academy is also accountable directly to the Secretary of State for Children, Schools and Families through the Funding Agreement. The Secretary of State has powers to terminate the Academy Funding Agreement if the Academy does not continue to have the characteristics of an Academy or does not continue to operate within the terms of the Funding Agreement.

### **How would the proposed Academy work with other schools and the wider community?**

### How the proposal would ensure the effects on other schools are positive

There would be strong and collaborative links with other Academies and schools in the Midlands.

The Academy would work in partnership with other Walsall schools and would serve its own distinct community.

The Academy would play its part with other schools in the area working collaboratively to raise attainment for all students. This could include the West Area 14-19 Collaborative, School forums and groups, the Behaviour Improvement Collaborative and the Excellence in Walsall Network of Schools.

The Academy would also work closely with local Primary Schools in the area to ensure that students are given the best choices and most appropriate learning pathways and opportunities for their education, aiming in the future to develop an Educational Improvement Partnership

Links to Colleges, Further and Higher Education providers would be strengthened and build on the existing links with the Universities of Warwick, Wolverhampton and other local FE / HE providers.

### **How the Academy would work with the wider community?**

The Academy would be a key player in the local community and a focal point for regeneration of the area. The Academy would work hard to actively encourage community use of all its facilities, sports provision and a wide and stimulating community education provision would be available on site.

The Academy would be developed as a full service extended school and would build on the existing links with the community and business.

The Academy would be designed to provide opportunities to significantly improve community facilities based in part upon the views of the local community as well as providing a stimulating learning environment. This would be done by opening up the facilities for lifelong learning opportunities through a co-ordinated programme of community learning provision in consultation and collaboration with other providers.

Additionally, the Academy would encourage the use of the extensive facilities including sports facilities, business conference facilities, support services for Information and Communication Technology, its boardroom and its assembly area would be suitable for larger gatherings. The Academy expects to operate flexible and extended hours in order to maximise the impact on the regeneration of a vibrant community.

### **Will the proposed Academy have a uniform?**

The new Academy would have a uniform which is smart, affordable and based on business dress. Uniform would be compulsory for all students 11 to 16 and for those in 6<sup>th</sup> Form there would be an expectation of appropriate business dress to reflect the specialism of the Academy.

Students would wear uniform at all times, to develop a sense of belonging to the Academy from the first days. Care would be taken to ensure that the cost to parents of providing a uniform is minimised

### **What would be the Transition arrangements?**

The Academy recognises that it would be essential that transition to the proposed Academy was effectively managed to ensure that any potential disruption to the education of the children presently attending Darlaston Community Science College and those transferring from local Primary schools in the area is minimised.

The Academy intends to be a warm, caring and welcoming environment and would expect this to be clearly seen.

### **What about students that currently attend Darlaston Community Science College?**

All students attending Darlaston Community Science College at the time would be offered a place at the proposed new Academy and would be guaranteed places.

If any parents of students currently attending Darlaston Community Science College did not want their child to go to the Academy, the Academy would seek in partnership with the Local Authority (LA) to respect the parent's choice. The LA would work with students and their parents to seek an alternative placement at the best time so as to minimise the disruptive impact of changing schools.

For those students reaching crucial examination years, the Academy would minimise the risks of any potential disruption. Additional staff would be recruited leading up to and during the transitional period to support transition.

### **What about staffing the proposed Academy?**

All involved in the Academy proposals are acutely aware that high quality education is dependent on providing staff with a secure and stable environment in the long term.

Existing staff at Darlaston Community Science College would have full TUPE (Transfer of Undertakings Protection of Employment) rights to transfer across to the new Academy should they wish. The Academy would have a commitment to work closely with its staff and would be committed to offering excellent opportunities for professional training and development for all staff.

Apart from normal staff changes due to retirement, promotion and relocation, it would be expected that all staff would remain and transfer to the Academy.

The Academy would invest heavily in transformational training through CPD to enable staff to provide highly effective learning experiences for students through the motivation

provided by inspirational teachers and leaders. All staff would have entitlement to a personal programme.

The Academy would recognise and work in partnership with Professional Associations and Unions on behalf of their members.

Professional Associations, Trade Union Associations and all the staff will be invited to give their views as part of this consultation exercise.

The staffing of the Academy is a complex undertaking and the Academy recognises that many details could only be responded to and resolved in full after the Funding Agreement is signed and the project is implemented.

### **What about the Building of the proposed new Academy?**

#### Proposed location

It is proposed to build the new Academy on the site of the current Darlaston Community Science College.

#### Safety of students and staff during construction

Student and staff safety would be paramount. The contractor, Academy Board and the Local Authority would all have statutory responsibilities to ensure the health and safety on the site.

#### Environmental impact of the construction

Due regard would be paid to minimising the impact on the environment, the Academy and the local community during the construction phase. Environmental, traffic and other surveys and studies would be carried out by the Local Authority as part of the Feasibility phase to support the design and construction process. The main contractor would be expected to work to all statutory building guidelines. The Academy building would be subject to the statutory planning process and as such these issues would be considered during the application for planning permission by the Local Authority.

## **What is the proposed Academy's Admissions policy?**

The proposed Academy would not be selective in any way; it would apply the Walsall Council standard Admissions policy.

The Academy would be an “admissions authority” and would act in accordance with all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Children, Schools and Families (“the Codes”) as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools.

The Academy admissions arrangements and any changes would be subject to formal consultation in line with the requirements of the Codes and relevant admissions legislation, which at the date of this document is section 89 of the School Standards and Framework Act 1998 as amended, and Regulations under that section.

The Academy would be a community school and would be fully inclusive.

The intake of the Academy would be built on the profile of the local community and would therefore reflect the educational attainment and potential of the local area.

If the Academy were to be approved there are no plans for selection on the basis of specialism. Should other schools in the area adopt policies for selection on the basis of their specialism, then the Academy would consider the matter further in consultation with the Local Authority and other admissions authorities.

There are no plans for selection based on ability, student and parent interview or faith. The Academy would not require students to sit a test before being offered a place.

Parents would apply in the same way as they would for any Local Authority school. The applications of parents not offered a place for their child would be judged against the published oversubscription criteria by the Academy and Local Authority.

## **Where can I get more information on the proposal for a new Academy?**

More information is available from:

David Wootton – Executive Principal Grace Academies

Tel 01675 435540

[davidwootton@graceacademy.org.uk](mailto:davidwootton@graceacademy.org.uk)

Further general information on existing Grace Academies can be accessed at [www.graceacademy.org.uk](http://www.graceacademy.org.uk)





**PROPOSALS TO REPLACE  
DARLASTON COMMUNITY SCIENCE COLLEGE  
WITH AN ACADEMY SPONSORED BY GRACE FOUNDATION  
from 1st September 2009**

**CONSULTATION RESPONSE FORM**

This is a public consultation on two proposals. One is to discontinue Darlaston Community Science College from 31 August 2009 and the second one is to replace the school with an Academy sponsored by Grace Foundation. The consultation period will last until 10 October 2008.

A consultation document has been published and is available from Walsall Children's Services, Darlaston Community Science College, and the local library. It is also available on the Walsall Children's Services website:-[www.educationwalsall.com](http://www.educationwalsall.com) and can be accessed through the School Organisation section.

All interested parties are invited to make their views known by using this form to comment on the proposals.

The form should be returned by **10 October 2008** to:

Susan Lupton  
Head of Planning and Development Services  
Walsall Children's Services, Serco  
Education Development Centre  
Pelsall Lane, Rushall  
Walsall, WS4 1NG

Name \_\_\_\_\_ (optional)

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please tick any of the following descriptions that apply to you  
This will help analyse the response for Cabinet to consider

I am a parent of a child at Darlaston Community Science College \_\_\_\_\_  
I am a parent of a child at a local Primary School \_\_\_\_\_  
I am a Governor at Darlaston Community Science College \_\_\_\_\_  
I am a member of Staff at Darlaston Community Science College \_\_\_\_\_  
I am a pupil at Darlaston Community Science College \_\_\_\_\_  
Other (please specify) \_\_\_\_\_

## 1. The Consultation Process

1a Have you seen a copy of the consultation pack?

Yes [ ]

No [ ]

Do Not Know [ ]

1b Have you found this document helpful?

Yes [ ]

No [ ]

Do Not Know [ ]

1c Do you feel this document fairly and fully sets out the reasons behind the proposals?

Yes [ ]

No [ ]

Do Not Know [ ]

1d Have you been to any of the consultation meetings?

Yes [ ]

No [ ]

1e Do you feel that you have been appropriately consulted on the proposals?

Yes [ ]

No [ ]

No opinion [ ]

## 2. The Proposal

2a Do you agree with the proposal to open an Academy in Darlaston?

Yes [ ]

No [ ]

Do Not Know [ ]

If you have answered YES or NO please give reasons (this is optional and so you do not have to give reasons)

2b Do you understand that the proposed Academy will replace Darlaston Community Science College?

Yes [ ]

No [ ]

Do not Know [ ]

If you have answered YES or NO please give reasons (this is optional and so you do not have to give reasons)

2c If the Academy were to proceed what would be your greatest concerns?

CONCERNS

2d If the Academy were to proceed what would be the advantages?

ADVANTAGES

2d The proposed Academy is actively seeking ways to provide community facilities. Are there any particular facilities you feel are needed in the community and would like to see included in the Academy?

COMMENTS

### 3. ANY OTHER POINTS

3a Are there any specific questions that you would like to ask us or comments that you wish to make? (Please list).

Thank you for taking the time to complete this consultation response form. All responses will be made available to councillors to assist in their decision making on these matters. Issues raised will be included in a report on the outcome of consultation which will be considered by Walsall Council (Cabinet).

Comments and objections made during this consultation period will not automatically go forward into the statutory phase of the process.

Where specific queries are received, we will not answer you directly, but we will try to compile a Questions and Answers sheet covering all of them that we will distribute to all respondees.

# Closing a Maintained Mainstream School

## A Guide for Local Authorities and Governing Bodies

### Extracts from DCSF Guidance Document

#### EXTRACT A

There are 4 key issues which the Decision Maker must consider before judging the respective factors and merits of the statutory proposals:-

- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information must be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below); and
- Are the proposals “related” to other published proposals? (see paragraphs 4.10 - 4.14 below) and should therefore be considered together.

#### **Does the Published Notice Comply with Statutory Requirements?**

4.8 The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (SI:2007 - 1288) (as amended) - it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

#### **Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice?**

4.9 Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2 – 1.6). If some parties submit objections on the basis that consultation

was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

### **Are the Proposals Related to Other Published Proposals?**

4.10 Paragraphs 9 and 19 of Schedule 2 to the EIA 2006 provide that any proposals that are “related to” particular proposals (e.g. for a new school, school closure or proposals by the LSC to deal with inadequate 16-19 provision proposals) must be considered together. Where the proposals are related to the establishment of a new school, and the schools adjudicator must decide the new school proposals (see paragraph 4.4 above) the schools adjudicator must decide the related proposals together. Paragraphs 4.11 – 4.14 provide statutory guidance on whether proposals should be regarded as “related”.

4.11 Generally, proposals should be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals should be regarded as “related” if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as “related”. Proposals for a school competition should be considered together with proposals for any school closure where there is a clear link.

4.12 Where proposals are “related”, the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

4.13 Where proposals for a closing school are “related” to proposals published by the local LSC, which are to be decided by the Secretary of State, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- a. the school that is the subject of the LSC proposals;
- b. any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- c. any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

## **EXTRACT B**

### **Types of Decision**

4.63 In considering proposals for a school closure the Decision Maker can decide to:

- reject the proposals;

- approve the proposals;
- approve the proposals with a modification (e.g. the school closure date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.64).

### **Conditional Approval**

4.64 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified. Conditional approval cannot be granted where proposals are decided under Paragraph 19 of Schedule 2 (i.e. where there are no objections) – see paragraph 4.3 above. For school closures the following conditions can be set:

- a. the making of any agreement under section 482(1) of the 1996 Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;
- b. the agreement to any change to admission arrangements specified in the approval, relating to another school;
- c. where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

4.65 The Decision Maker **must** set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought. The proposer should inform the Decision Maker and the Department (School Organisation Unit, DCSF, Mowden Hall, Staindrop Road, Darlington, DL3 9BG) or by email to [school.organisation@dcsl.gov.uk](mailto:school.organisation@dcsl.gov.uk) when a condition is met. If a condition is not met by the date specified, the proposals should be referred back to the Decision Maker for fresh consideration.

## **EXTRACT C**

### **Statutory Guidance – Factors to be Considered by Decision Makers**

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.62 below contain the statutory guidance on considering proposals for school closure.

4.16 The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

### **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

#### **A System Shaped by Parents**

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper *Higher Standards, Better Schools For All*, is to create a school system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary;
- the best schools are able to expand and spread their ethos and success; and
- new providers have the opportunity to share their energy and talents by establishing new schools - whether as voluntary schools, Trust schools or Academies - and forming Trusts for existing schools.

4.18 The EIA 2006 amends the Education Act 1996 to place new duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific **duty** to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

## Standards

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.55 to 4.61).

4.22 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker should again normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards.

## Fresh Start and Collaborative Restarts

4.23 Fresh Start and Collaborative Restart provide for poorly performing schools which are struggling to improve, to close and be replaced with new school provision, usually on the same site. When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker should take into account the popularity with parents of alternative schools.

4.24 For all closure and Fresh Start proposals involving schools causing concern,

copies of the Ofsted monitoring letters for the relevant schools should be made available. The Decision Maker should have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There should be a presumption that these proposals should be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

## **Academies**

4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies should contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools should indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, any approval of the closure proposals should be conditional on the Secretary of State making an agreement for an Academy (see paragraph 4.64), but there should be a general presumption in favour of approval.

## **Diversity**

4.28 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school develops its own ethos, sense of mission and a centre of excellence or specialist provision.

4.29 Decision Makers should consider how proposals will impact on local diversity. They should consider the range of schools in the relevant area of the LA and how they will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

## **Balance of Denominational Provision**

4.30 In deciding proposals to close a school with a religious character, the Decision Maker should consider the effect that this will have on the balance of denominational provision in the area.

4.31 The Decision Maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of



denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one of the predecessor schools.

## **Every Child Matters**

4.32 The Decision Maker should consider how the proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society and achieve economic well-being. This should include considering how displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs e.g. looked after children or children with special educational needs (SEN) and disabilities.

## **NEED FOR PLACES**

### **Provision for Displaced Pupils**

4.33 The Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker should consider the quality and popularity with parents of the schools in which spare capacity exists and any evidence of parents' aspirations for those schools.

### **Surplus Places**

4.34 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs should take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places should always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

4.35 The Decision Maker should normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker should consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question should be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

## **IMPACT ON THE COMMUNITY AND TRAVEL**

### **Impact on Community**

4.36 Some schools may already be a focal point for family and community activity,

providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school was providing access to extended services, some provision should be made for the pupils and their families to access similar services through their new schools or other means.

4.37 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, should therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services should be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

### **Community Cohesion and Race Equality**

4.38 When considering proposals to close a school the Decision Maker should consider the impact of the proposals on community cohesion. This will need to be considered on a case by case basis, taking account of the community served by the school and the views of different sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

### **Travel and Accessibility for All**

4.39 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

4.40 In deciding statutory proposals, the Decision Maker should bear in mind that 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 e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **Equal Opportunity Issues**

4.41 The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflects the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

### **Rural Schools and Sites**

4.42 In considering statutory proposals to close a rural school, the Decision Maker should have regard to the need to preserve access to a local school for rural communities. There is therefore a presumption against the closure of rural schools. This does not mean that a rural school should never close, but the case for closure should be strong and the proposals clearly in the best interests of educational provision in the area. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure should provide evidence to the Decision Maker to show that they have carefully considered:

- a. Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- b. The transport implications as mentioned in paragraphs 4.39 to 4.40; and
- c. The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker should refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at: [www.dcsf.gov.uk/publications/otherdocs.shtml](http://www.dcsf.gov.uk/publications/otherdocs.shtml)

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against closure. The Department's register of schools - Edubase - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker should have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school should be regarded as rural.

## **TYPES OF SCHOOLS**

### **Boarding School Provision**

4.45 In making a decision on proposals to close a school that includes boarding provision, the Decision Maker should consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## **SPECIFIC AGE PROVISION ISSUES**

### **Early Years Provision**

4.46 In considering proposals to close a school which currently includes early years provision, the Decision Maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for

young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

4.47 The Decision Maker should also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

### **Nursery School Closures**

4.48 In deciding whether to approve any proposals to close a nursery school, the Decision Maker should be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There should be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

- a. the LA is consistently funding numbers of empty places;
- b. full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;
- c. plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that
- d. replacement provision is more accessible and more convenient for local parents.

### **14-19 Curriculum and Collaboration**

4.49 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress 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. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers should therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures should not prevent the closure of a poorly-performing school.

### **16-19 Provision – General**

4.50 The Learning and Skills Act 2000 provides an entitlement to further education and training for young people aged 16 -19. Schools and colleges should offer high quality provision that meets the diverse needs of all young people, their communities and employers. 16-19 provision should be organised to ensure that, in every area, young people have access, within reasonable travelling distance, to high-quality learning opportunities across schools, colleges and work-based training routes.

4.51 In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including the LSC and LAs) for more clarity on Government expectations. Decision Makers should therefore consider all proposals for changes to 16-19 provision in the context of these principles.

4.52 Details of the five key principles can be found in '[Principles underpinning the organisation of 16-19 provision](#)' booklet. Briefly, they are:

- a. quality - all provision for all learners should be high quality, whatever their chosen pathway;
- b. distinct 16-19 provision - all young people should be attached to a 16-19 base which will meet the particular pastoral, management and learning needs of this age group;
- c. diversity to ensure curriculum breadth – well-managed collaboration between popular and successful small providers will enable them to remain viable and to share and build on their particular areas of expertise;
- d. learner choice – all learners should normally have local access to high quality 16-19 provision in a range of settings and any proposals for change to this provision should take into account the views of all stakeholders;
- e. affordability, value for money and cost effectiveness - proposals for change should include how any capital and recurrent costs and savings will lead to improved educational opportunities.

### **LSC Proposals to Close Inadequate 16-19 Provision**

4.53 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the Learning and Skills Council (LSC) powers to propose the closure of 16-19 schools judged to require Special Measures. Where a 16-19 school is proposed for closure in such circumstances there should be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

### **Conflicting Sixth Form Reorganisation Proposals**

4.54 Where the implementation of reorganisation proposals from the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (i.e. by the School Organisation Proposals by the LSC for England Regulations 2003 - SI 2003 No. 507) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

## **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**

### **Initial Considerations**

4.55 When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories

of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of local authority day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

4.56 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

### **The Special Educational Needs Improvement Test**

4.57 When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in the paragraphs below (4.58 to 4.61) have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should

take proper account of parental or independent representations which question the LA's own assessment in this regard.

## Key Factors

4.58 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - 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.
- LAs should also:
  - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
  - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
  - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.59 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement must be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

4.60 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for

special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.61 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

## **OTHER ISSUES**

### **Views of interested parties**

4.62 The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.



### Representations received and comments

A total of 7 representations were received during the 6-weeks representation period. Letters were received from the following:

- Mr D Tonks, Wednesbury
- Rt Hon Bruce George MP
- Mr T Rowley, Darlaston (Chair of Governors)
- J Johnson, Wednesbury
- Mrs R Burley (governor)
- Mr T Rowley, Darlaston (Chair of Governors) 2nd letter
- Mr A McDevitt, Chuckery.

### Representation 1 Mr D Tonks, Wednesbury

Mr Tonks wrote in response to the publication of the first notice which was subsequently withdrawn, however, the replacement notice stated that any such representations would be considered.

#### Matters raised

- “Not many people in Darlaston are in favour of the school becoming an academy. Especially an Academy under the proposed sponsor”.

#### Response

During the consultation period students, staff, governors, parents and the wider community were invited to attend a series of five consultation meetings. Attendance comprised 60 students, 82 and 79 parents/wider community (2 meetings), 65 staff and 12 governors. A wide range of matters was raised at these meetings. Approximately 1,600 copies of a detailed consultation document, which included a response form, were issued and the document was also available on the Education Walsall website. A total of 62 consultation response forms were returned; 41 supported the proposal, 17 were against the proposal and four responded as ‘don’t know’. The majority of comments were generally supportive of the proposal. Four other written responses were also received and a petition with 191 signatures.

- Concern that if Darlaston becomes an academy, complaints could not be addressed by a locally elected councillor or a Member of Parliament.

#### Response

It would still be possible for councillors and MPs to raise matters on behalf of parents and local residents with the academy.

- BSF funding linked to academy

Response

If Darlaston becomes an academy, funding would be made available by the DCSF for a new school building. This would be through the National Framework and would be in advance of BSF investment in Walsall. If Darlaston does not become an academy, funding for a new building would be through the BSF programme.

- Proposed business specialism reduces choice

Response

The proposed specialism has been identified by the sponsor and supported by the DCSF in the light of local and regional employment and development needs and priorities.

- Muslim community may set up own school; impact on racial integration and social cohesion

Response

All pupils at Darlaston would be offered a place at the proposed academy and it is considered unlikely that many parents would seek an alternative school for their child. Indeed, a number of parents have recently enquired about a place at Darlaston because of the proposed academy. The continuation of the pupil body in its current form would together with the sponsor's commitment to promote community cohesion provide a significant opportunity to build on existing relationships.

- Meetings arrangements

Response

The meetings were notified in advance to students, staff, governors, parents and the wider community and attended by representatives from Walsall Children's Services – Serco and the sponsor and his organisation. They provided an opportunity for everyone to raise issues for clarification and to give their views on the proposal.

## **Representation 2 Rt Hon Bruce George MP**

### Matters raised

- Level of opposition to the proposal

Response

As detailed in the complete proposal (Appendix 1), the general response has been supportive although some individuals have expressed strong opposition. Only 7 responses were received during the 6-weeks representation period.

- Consultation and representation superfluous / no meaningful consultation

Response

The Council's responsibilities to consult on school closure issues are set out in legislation and regulations and have been followed exactly. In many respects the Council has exceeded the minimum requirements to ensure that interested parties have the opportunity to make their view known about the proposals. The publication of a statutory proposal and the six-weeks representation period during which people can object or make comments is a legal requirement in order to proceed to the final stage when Cabinet will make a final decision whether or not to close Darlaston Community Science College.

- Governors have been 'disposed of'

Response

Ultimately, the governors are responsible for the school and Walsall children's services – Serco has given them considerable support and will continue to do so. There has recently been consultation on a proposal to replace the governing body with an IEB (Interim Executive Board) in order to help bring about the improvements needed as the school has not made satisfactory progress since going into special measures.

- New head appointed

Response

The sponsor has appointed a principal designate to his education organisation and the appointment to Darlaston is subject to the closure of the school and the opening of an academy. It is standard practice for a principal designate to be appointed at this stage for any proposed academy. The appointment process followed the legislation which requires a national, open advertisement for such a post and anyone can apply.

- Support for Darlaston from Serco

Response

Walsall Council and Walsall Children's Services – Serco, supported by the DCSF and the Black Country Challenge continues to support the school. Her Majesty's Inspectors (HMI) at their last visit to the school commented favourably on the support being provided.

- The sponsor's creationist beliefs and lack of local links

Response

The sponsor has expressed his commitment to working with the local community and to develop a wide range of extended school and community provision.

- BSF funding for Darlaston

#### Response

If Darlaston becomes an academy funding for a new school building would be made available through the National Framework in advance of BSF investment in Walsall. If Darlaston does not become an academy, funding would be made available through BSF.

### **Representation 3 Mr T Rowley, Chair of Governors**

#### Matters raised

- the display of the statutory notice at the entrance to the school

#### Response

The copies of the notice attached to the railings at each side of the entrance to the school site have been removed on occasion. These notices (and numerous others on the school site and in public buildings in the local area) were erected on 29 January 2009, were checked on 30 January and at weekly intervals thereafter. Replacement notices have been erected when necessary. The school was asked to make arrangements to check the notices on a daily basis and replace any that were missing.

### **Representation 4 J Johnson**

#### Matters raised

- No meaningful consultation, no consideration of views expressed at public meetings

#### Response

The Council's responsibilities to consult on school closure issues are set out in legislation and regulations and have been followed exactly. In many respects the Council has exceeded the minimum requirements to ensure that interested parties have the opportunity to make their view known about the proposals. Notes of all the questions and issues raised at the consultation meetings, together with the responses given, were included in the report on the outcome of consultation considered by Cabinet on 22 October 2008.

- Widespread view that a move to an academy and sponsor's religious views is inappropriate

#### Response

The level of responses received during the consultation period and the representation period does not support this.

- No local control over proposed academy

Response

The proposed academy would be part of the local community and there would be local representation on its governing board.

- Increased involvement of the private sector

Response

The sponsor of the proposed academy and his representatives will be part of the Local Authority team that oversees the arrangements for the replacement school building. The scheme would be procured by Walsall Council and delivered through the National Framework.

- Parents would no longer be able to approach councillors and MPs regarding concerns

Response

It would still be possible for councillors and MPs to raise matters on behalf of parents and local residents with the academy.

- Choice and diversity – would be no community school in Darlaston

Response

The proposal would enhance diversity by enabling parents in the southern part of the borough and Darlaston in particular to have access to a place for their child at an academy. The Walsall Academy (opened 2003) and the Shelfield Community Sports Academy (opened Jan 2009) are both in the north of the borough.

- Concern about future direction and ethos of proposed academy; appointment of headteacher

Response

The sponsor has appointed a principal designate to his education organisation and the appointment to Darlaston is subject to the closure of the school and the opening of an academy. It is standard practice for a principal designate to be appointed at this stage for any proposed academy. The appointment process followed the legislation which requires a national, open advertisement for such a post and anyone can apply.

- Wonders why the sponsor wants to take on a project such as the proposed academy

Response

The sponsor has previously established two academies as part of his charitable and philanthropic works. The sponsor would not be involved in the construction

of the proposed new school building; the contractor would be one of six companies on the National Framework.

- General lack of support for Darlaston Community Science College

**Response**

Walsall Council and Walsall Children's Services – Serco, supported by the DCSF and the Black Country Challenge continues to support the school. Her Majesty's Inspectors (HMI) at their last visit to the school commented favourably on the support being provided.

## **Representation 5 Mrs R Burley, Governor**

### Matters raised

- No meaningful consultation with all concerned

**Response**

The Council's responsibilities to consult on school closure issues are set out in legislation and regulations and have been followed exactly. In many respects the Council has exceeded the minimum requirements to ensure that interested parties have the opportunity to make their view known about the proposals. Notes of all the questions and issues raised at the consultation meetings, together with the responses given, were included in the report on the outcome of consultation considered by Cabinet on 22 October 2008.

- Choice of sponsor inappropriate given nature and ethnicity of school

**Response**

The proposed sponsor was identified by the DCSF and meets their criteria. The sponsor has stated that he is committed to working with the local community and promoting community cohesion.

- Concern that students from the locality would not get places; increase in exclusions

**Response**

The sponsor has agreed that the proposed academy would have the same admission arrangements as Darlaston Community Science College has at present and that they would adhere to the Admissions Code and would apply Walsall Council's standard admissions policy. This would not impact on the ease with which local pupils could gain a place. The school has been significantly undersubscribed in recent years and as a result a Year 7 place has been available for any child for whom a place was requested. The sponsor has also stated that the proposed academy would act in accordance with the Secretary of State's guidance on exclusions.

- Inappropriate to establish another Business Enterprise College given other local provision

#### Response

The proposed specialism has been identified by the sponsor and supported by the DCSF in the light of local and regional employment and development needs and priorities.

- Cabinet did not debate the proposal fully, did not listen to the views of students, parents and the community at large

#### Response

On 22 October 2008, Cabinet considered a report on the outcome of consultation on the proposal to close Darlaston Community Science College to enable an academy to be opened. Members were provided with details of the views of those attending the five consultation meetings, and notes of the questions raised and the responses given, together with a summary of other letters which had been received. Cabinet took account of the views that had been expressed when it made its decision. As detailed in the complete proposal (Appendix 1), the general response has been supportive although some individuals have expressed strong opposition to the proposal.

- Repetition that consultation was a sham

#### Response

The Council's responsibilities to consult on school closure issues are set out in legislation and regulations and have been followed exactly. In many respects the Council has exceeded the minimum requirements to ensure that interested parties have the opportunity to make their view known about the proposals. Notes of all the questions and issues raised at the consultation meetings, together with the responses given, were included in the report on the outcome of consultation considered by Cabinet on 22 October 2008. Cabinet also received details of other communications received during the consultation period.

## **Representation 6 Mr T Rowley, Chair of Governors**

### Matters raised (2<sup>nd</sup> letter from Mr Rowley)

- Almost all representation made was against the closure of Darlaston

#### Response

This statement in a letter dated 18 February appears to refer to the consultation responses. Comments in the public meetings were mixed and although a level of opposition to the proposal was voiced, this was by a small number of individuals who attended all of the meetings and was not necessarily representative of all attendees. Approximately 1,600 copies of a detailed consultation document, which included a response form, were issued and the document was also available on the Education Walsall website. A total of 62 consultation response forms were returned; 41 supported the proposal, 17 were against the proposal and four responded as 'don't know'. The majority of comments were generally

supportive of the proposal. Four other written responses were also received and a petition with 191 signatures. Generally where proposals are controversial, attendance at public meetings is very high and a large number of consultation responses are received.

- People's views not listened to

Response

See response above.

- All secondary education in Darlaston would be provided by an academy

Response

Pupils resident in Darlaston attend a number of secondary schools in the local area. St Thomas More catholic – Business and Enterprise College is also in Darlaston and is not an academy.

- Choice of sponsor inappropriate given nature and ethnicity of school

Response

The proposed sponsor was identified by the DCSF and meets their criteria. The sponsor has stated that he is committed to working with the local community and promoting community cohesion.

- No local control over proposed academy

Response

The proposed academy would be part of the local community and there would be local representation on its governing board.

- Parents would no longer be able to approach councillors and MPs regarding concerns

Response

It would still be possible for councillors and MPs to raise matters on behalf of parents and local residents with the academy.

- Choice and diversity – would be no community school in Darlaston

Response

The proposal would enhance diversity by enabling parents in the southern part of the borough and Darlaston in particular to have access to a place for their child at an academy. The Walsall Academy (opened 2003) and the Sheffield Community Sports Academy (opened Jan 2009) are both in the north of the borough.



## Representation 7 Mr A McDevitt

### Matters raised

- Academies – refers to admissions at the Walsall Academy and changes in the characteristics of pupils

#### Response

The sponsor has agreed that the proposed academy would have the same admission arrangements as Darlaston Community Science College has at present and that they would adhere to the Admissions Code and would apply Walsall Council's standard admissions policy. This would not impact on the ease with which local pupils could gain a place. The school has been significantly undersubscribed in recent years and as a result a Year 7 place has been available for any child for whom a place was requested. The sponsor has also stated that the proposed academy would act in accordance with the Secretary of State's guidance on exclusions. The admission arrangements at the Walsall Academy conform to the Admissions Code but differ significantly from Walsall council's admission arrangements in that there are zones and 'fair banding'.

- No desire in the community for an academy

#### Response

During the consultation period students, staff, governors, parents and the wider community were invited to attend a series of five consultation meetings. Attendance comprised 60 students, 82 and 79 parents/wider community (2 meetings), 65 staff and 12 governors. A wide range of matters was raised at these meetings. Approximately 1,600 copies of a detailed consultation document, which included a response form, were issued and the document was also available on the Education Walsall website. A total of 62 consultation response forms were returned; 41 supported the proposal, 17 were against the proposal and four responded as 'don't know'. The majority of comments were generally supportive of the proposal. Four other written responses were also received and a petition with 191 signatures. Generally where proposals are controversial, attendance at public meetings is very high and a large number of consultation responses are received.

- Suitability of sponsor

#### Response

The proposed sponsor was identified by the DCSF and meets their criteria.

- Consultation process

#### Response

It is alleged that the consultation process followed did not conform to the requirements for DCSF public consultations. These requirements apply to consultations carried out by the DCSF. The Council's responsibilities to consult on school closure issues are set out in legislation and regulations and have been

followed exactly. In many respects the Council has exceeded the minimum requirements to ensure that interested parties have the opportunity to make their view known about the proposals. Notes of all the questions and issues raised at the consultation meetings, together with the responses given, were included in the report on the outcome of consultation considered by Cabinet on 22 October 2008. There is no requirement for a 12 week consultation period.

There is concern that many consultees did not respond during the consultation period and that the low number of responses and the petition with 191 signatures indicated a high level of opposition to the proposal. Generally where proposals are controversial, attendance at public meetings is very high and a large number of consultation responses are received.

It is suggested that the invitation to Walsall to join Wave 6a of the BSF Programme provided an alternative way forward for Darlaston and that consultation should have recommenced. The proposal that Darlaston become an academy is not linked to the availability or otherwise of BSF funding; many academies are established through the BSF Programme.

- Role of Serco – dissatisfaction with process followed, suggestion that shareholders benefit, level of support offered to the school, condition of the buildings, HR support, reference to the Sheffield Community Sports Academy

#### Response

As stated above, in many respects the Council has exceeded the minimum requirements to ensure that interested parties have the opportunity to make their view known about the proposals. Notes of all the questions and issues raised at the consultation meetings, together with the responses given, were included in the report on the outcome of consultation considered by Cabinet on 22 October 2008. Throughout the process every effort has been made to ensure that the arrangements are in line with or exceed the requirements. In general terms, these processes are much more wide-ranging than those followed in many local authorities.

Serco shareholders derive no benefit from any changes to school organisation in Walsall or elsewhere. No school sites or premises are owned or leased by Serco; they remain the property of the Council or trustees (VA and foundation schools).

Walsall Council and Walsall Children's Services – Serco, supported by the DCSF and the Black Country Challenge continues to support the school. Her Majesty's Inspectors (HMI) at their last visit to the school commented favourably on the support being provided.

It has long been recognised that Darlaston Community Science College requires replacement accommodation. Over recent years the Council has supported the Governors by providing financial assistance with several schemes. The Governing Body is responsible for the maintenance of the building and receives an annual allocation of devolved formula capital to enable minor improvements and repairs to be undertaken.

Support for HR issues has continued to be made available to the Governing Body.

The proposal for the Shelfield Community Sports Academy originated with the Governing Body of the predecessor school.

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## APPENDIX 4 - plan

