

CALL-IN SUB-COMMITTEE (EDUCATION)

30 JANUARY 2008

Chairman: Councillor Anthony Seymour

Councillors: * Robert Benson (4) * Ashok Kulkarni (3)
 * Mrs Lurline Champagnie * Barry Macleod-Cullinane
 * B E Gate * Stanley Sheinwald
 * Mitzi Green (Vice-Chairman) * Dinesh Solanki
 (in the Chair) * Jeremy Zeid

Co-optees: † Mrs J Rammelt * Reverend P Reece

Parent Governor * Mr R Chauhan * Mrs D Speel
 Representatives:

* Denotes Member present
 (3) and (4) Denote category of Reserve Members
 † Denotes apologies received

[Note: Councillor Christine Bednell also attended this meeting to speak on the item indicated at Minute 4 below].

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

1. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Tony Seymour	Councillor Ashok Kulkarni
Councillor Mark Versallion	Councillor Robert Benson

2. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
4. Call-in of the decision of the Cabinet Meeting on 17 January 2008: Amalgamation of First and Middle Schools	Councillor Dinesh Solanki	Governor of Belmont Middle School
	Councillor Ashok Kulkarni	Governor of Roxbourne First and Middle School
	Councillor Mrs Lurline Champagnie	Governor of Hatch End High School
	Reverend P Reece	Chair of Governors of St John's Church of England School

3. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, this meeting be called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

Special Circumstances/Grounds for Urgency: Under Overview and Scrutiny Procedure rule 22.6, a meeting of the Call-in Sub-Committee must be held within 7 clear working days of the receipt of a request for call-in. This meeting therefore had to be arranged at short notice and it was not possible for the agenda to be published 5 clear working days prior to the meeting.

(2) under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting whilst legal advice is given to the Sub-Committee, on the grounds that it was thought likely that there would be disclosure of exempt information under paragraph 5 of Part 1 of Schedule 12A to the Act, in that there would be

disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

4. **Call-in of the decision of the Cabinet Meeting on 17 January 2008: Amalgamation of First and Middle Schools:**

The Cabinet had agreed at its meeting held on 17 January 2008 to undertake a consultation in response to parental representations in relation to West Lodge First and West Lodge Middle Schools. A call-in notice had been subsequently received, signed by 181 members of the public who were registered on the electoral role of the Borough, calling in the decision and this decision had therefore been referred to the Call-in Sub-Committee for consideration under the call-in procedure.

The Sub-Committee received the notice invoking the call-in procedure, the report of the Director of Schools and Children's Development submitted to Cabinet and the relevant minute extract.

The decision had been called-in on two grounds:

- inadequate consultation;
- insufficient consideration of legal and financial advice.

The Chairman, after outlining the procedure to be followed at the meeting, invited a representative of the signatories to speak.

Pamela Fitzpatrick, a member of the public representing the signatories to the call-in notice, put the case for the call-in. She referred to the details of the grounds outlined in the supporting information to the Call-in. She was of the opinion that the Middle School Governing Body had not been consulted on the proposal, the timeframe for establishing the proposed Steering Group was unrealistic and could not be met, and the proposed consultation did not comply with the Statutory Guidance on the closure of a maintained school. It was her opinion that parents wished the matter discussed by the school, not determined by the Local Authority.

She further stated that West Lodge Middle School was a successful, over-subscribed school. She referred to the public criticism at the Cabinet meeting that the school had not followed procedure, advising it had submitted reports to the Steering Committee in accordance with the timetable and had attended all its meetings. However, the implication was that the school had done something wrong. The Local Authority had stated that it had taken action in response to parental representation, whilst the normal procedure was to send complaints to the Governing Body which had not been done. Mrs Fitzpatrick further considered that the Local Authority had failed to state which part of the statutory guidance to Section 14 of the Education Act 1996 had been triggered.

Mrs Fitzpatrick expressed the view that the Local Authority had not been neutral in its proposals and concluded that she believed any decision could be delegated to the Governing Body.

Upon being invited to respond, the Portfolio Holder for Schools and Children's Development explained that in accordance with the Council's Amalgamation Policy, the resignation of the Head of the Middle School had triggered the investigations undertaken. A Steering Group had produced a feasibility study and its findings were made available to the schools. West Lodge Middle School had voted against amalgamation and the West Lodge First School had voted in favour of amalgamation. The officers had been in contact with both schools to ascertain whether joint consensus of agreement could be reached and as a result had received written notification from both schools that their positions remained unchanged. Subsequently, an unprecedented volume of letters and emails from parents on the subject had been received and in accordance with the Education and Inspection Act 2006 the Local Authority was bound to take notice of the views of parents. The Portfolio Holder advised that some parents had indicated to her that they had not been aware of the importance of the decision.

The Portfolio Holder stated that the representative of the signatories had indicated that the schools should make the decision whether to amalgamate. However, due to the situation outlined above, the decision of the Cabinet was to ask the schools to repeat the consultation process. The Local Authority would accept the decision of the majority of those consulted, as it too wished the schools to make the decision.

She then explained that technical requirements required a decision to close one school and extend the other and for the issue of notices. The feasibility study had already been produced by the Steering Group and accepted as a valid document.

In conclusion, the Portfolio Holder stated that she believed there was sufficient time for consultation and that the correct route was through the Steering Group, with notification of the result to parents in April. She acknowledged that both schools were excellent schools and reminded Members that St Johns School had also gone through the process and agreed to amalgamation, whilst Belmont First and Middle Schools had gone through the process and not agreed to amalgamation.

In response, Mrs Fitzgerald informed the meeting that the First School had not accepted the findings of the feasibility report. In her opinion the decision-making had now been removed from the schools to the proposed Steering Group, which she considered would be dominated by officers of the Council with only one Governor from each school. Therefore, she did not consider it would be an independent process. She repeated that each school made a decision but, were then advised by the Council that they had not followed procedure. It was her opinion that parents had then written in following the decisions reached as a result of a campaign undertaken, but that this did not invalidate the decision reached.

In response to questions from Members of the Sub-Committee, clarification was provided on the following issues by the Portfolio Holder:

- the legislation gave the option to close both schools and open a new school or close one school and extend the range of the other. However, Local Authorities were required to apply to the Secretary of State for consent to establish new schools without a competition. This was not considered appropriate for these successful schools. Notification had been received from the Secretary of State to enable one school to be closed and the age range of the other extended;
- jobs would be ringfenced to the existing staff within the Schools. The Local Authority also anticipated that the Governing Bodies would choose to resign and a new Governing Body constituted, which would be representative of all stakeholders and parents;
- she was not aware of the system utilised by the Governing Bodies for the calculation of votes and acknowledged that a large number of parents had children at both schools;
- the issue would have to be submitted to Cabinet irrespective of the decision to be taken;
- the Steering Group would comprise three representatives from each school (it was suggested that this be made up of a Governor, staff member and parent representative, however the makeup of representatives remained a decision for each school), three independent persons with no connection to either school, and a Chairman;
- if the decision of the majority of parents and stakeholders was not to amalgamate and justifiable reasons were stated, the LEA would accept the decision.

In response to questions from Members of the Sub-Committee, clarification was provided on the following issue from the representative of the petitioners:

- there had been meetings with parents and staff and joint meetings of both schools at the start of the process. However, as the First School did not attend the meeting on 30 October and did not reengage with the process within a reasonable period, the Middle School made its decision and response to the local authority.

The Chairman thanked Mrs Fitzpatrick for presenting the issue on behalf of the petitioners, and the Portfolio Holder for their attendance.

Members of the Sub-Committee, having considered all the evidence, summarised their views relating to the grounds for call-in. The Sub-Committee made the following suggestions for information purposes:

- the ongoing consultation and Steering Group deliberations should be transparent and open;
- the composition of the Steering Group should be demonstrably independent, with sensitive consideration as to who chairs the Steering Group;

- that it would be helpful if a timeline was produced indicating what would take place and by whom.

The Sub-Committee also expressed its hope that the schools and the Local Education Authority should continue to work together to clarify and resolve the concerns that had arisen.

On being put to the vote, the majority decision was that the challenge to the decision should be taken no further and the decision could be implemented.

RESOLVED: That the challenge to the decision should be taken no further and the decision may be implemented.

(Note: The meeting having commenced at 7.30 pm, closed at 9.28 pm)

(Signed) COUNCILLOR MITZI GREEN
Vice-Chairman (in the Chair)